

POKAGON BAND OF POTAWATOMI INDIANS

REGULATIONS



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**POKAGON BAND OF POTAWATOMI INDIANS
CLASS III GAMING REGULATIONS**

CHAPTER 1

GENERAL PROVISIONS:

Section 1.01 Legal Authority

Pursuant to the authority conferred on us by Section 3.03 and subsection 3.15 (c) of the Gaming Regulatory Act of the Pokagon Band of Potawatomi Indians, the Pokagon Band Gaming Commission approves and promulgates the following Games of Chance Regulations, which shall be applicable to all Gaming subject to regulation under the Gaming Regulatory Act.

Section 1.02 Title

These Regulations shall be known and may be cited as the "Pokagon Band Gaming Commission Regulations" (referred to herein as the "Regulations").

Section 1.03 Definitions

Unless a different meaning is set forth below, the terms used in these Regulations shall have the same meaning as defined in the Gaming Regulatory Act and, to the extent consist with the Act, the Indian Gaming Regulatory Act ("IGRA") and any regulations promulgated thereunder.

"Act" or "Gaming Regulatory Act" means the Pokagon Band of Potawatomi Indians Gaming Regulatory Act, as amended from time to time.

"Any Offense" shall mean any criminal offense other than a gambling-related offense, Fraud or Misrepresentation, whether committed in Michigan or any other jurisdiction, that is, or would be, a crime under the provisions of the Michigan Penal Code, Act No. 328 of the Public Acts of 1931, as amended, being MCL 750.1 to 750.568, or the controlled substance provisions of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, being MCL 333.7101 to 333.7545, or any other criminal offense (other than a gambling-related offense,

Fraud or Misrepresentation) that involves theft, dishonesty, fraud or misrepresentation arising under the laws of Michigan or another State or jurisdiction, that was committed as an adult or prosecuted as an adult offense, and which has not been effectively removed from the employee's criminal record by executive pardon, State court order, or operation of law.

"Applicant" means any Person, applying for, or requesting renewal of, any License required by this Act.

"Application" or **"License Application"** means a request for the issuance or renewal of a License required by this Act.

"Class I Gaming" shall have the definition that term is given in the Indian Gaming Regulatory Act at 25 U.S.C. § 2703 (6).

"Class II Gaming" means Class II Gaming as defined in the Indian Gaming Regulatory Act at 25 U.S.C. § 2703 (7) and any Regulations promulgated thereunder.

"Class III Gaming" means Class III Gaming as defined in the Indian Gaming Regulatory Act at 25 U.S.C. § 2703 (8) and any Regulations promulgated thereunder, but excluding any Class III Gaming that is not authorized by the Compact.

"Commissioner" means an individual member of the Pokagon Band Gaming Commission.

"Compact" means the Compact dated December 3, 1998, including all renewals, amendments, appendices, exhibits and other attachments thereto, between the Pokagon Band of Potawatomi Indians and the State of Michigan providing for the Conduct of Tribal Class III Gaming by the Pokagon Band of Potawatomi Indians,

which was deemed approved by the Secretary of the Interior by operation of law under the IGRA (25 U.S.C. § 2710(d)(8) and became effective upon publication in the Federal Register (64 Fed. Reg. 8111; February 18, 1999).

"Complimentary" shall have the meaning as set forth in 25 C.F.R. §542.2.

"Control Person" means any person who has the power to direct or cause direction of the Management and policies of the business operations of a Gaming Supplier as verified by the Gaming Supplier's ownership and organization structure described in the documents establishing the existence of the Gaming Supplier and the designation of persons authorized to act on behalf of the Gaming Supplier. A person shall be presumed to have control when such person owns shares of any corporation that is not a publicly-traded corporation and such person owns, controls or holds the power to vote ten percent (10%) or more of the voting securities of the corporation. Control Persons include members of the Board of Directors, Chief Executive Officer, Chief Operating Officer, and any person with the responsibility and authority to manage the contract on behalf of the Gaming Supplier with respect to the goods or services being provided to a Gaming Operation.

"Elders Council" means the Elders Council of the Pokagon Band of Potawatomi Indians established under Article XI for the Pokagon Band Constitution to provide guidance and advice to the Tribal community.

"Emergency Operation Plan" means the plan required by Article V, Section 5, of the Health, Environmental Protection, and Building Codes Ordinance, which shall be included with an Application for a Gaming Establishment License under Section 6.03 of this Act.

"Excluded Person" means any Patron or other person whose name has been added to an Exclusion List in accordance with the requirements set forth in

Section 10.14 of the Act.

"Exclusion List" means the list of Excluded Persons created and maintained under the requirements set forth in Section 10.14 of the Act.

"Fiscal Year" for the Tribe means the period ending on September thirtieth (30th) of each year and for the Pokagon Gaming Authority and the Four Winds Casino Resort means the period ending on the last Sunday of each calendar year.

"Fraud or Misrepresentation" shall mean a criminal offense committed in Michigan or any other jurisdiction, involving, theft, fraud or misrepresentation, which is a felony or would be a felony if committed in Michigan, and which was committed as an adult or prosecuted as an adult offense, and which has not been effectively removed from the employee's criminal record by executive pardon, state court order, or operation of law.

"Game" means any Game of chance, however conducted, operated, or played, that comes within the definition of Gaming provided in this Section.

"Gaming" means any Class II Gaming or Class III Gaming activity, either individually or collectively and whether authorized or unauthorized.

"Gaming Commission" or **"Commission"** means the Pokagon Band Gaming Commission established pursuant to this Act to regulate Gaming within the jurisdiction of the Tribe.

"Gaming Device" means any mechanical, electro-mechanical or electronic equipment, contrivance, component, or machine, whether used remotely or directly in connection with any Gaming that affects the result of a wager by determining or predicting the outcome of a Game or the odds of winning or losing a Game. This term shall be broadly construed to promote the purposes of this Act

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, provided that this term shall not be construed to expand the meaning of "electronic Games of chance" set forth in paragraph (5), subsection 3 (A) of the Compact for the purpose of affecting the calculating net win under Sections 17 and 18 of the Compact.

"Gaming Employee" means any Primary Management Official, Key Employee, any other person employed by a Gaming Operation whose employment requires access to restricted areas of the Gaming Operation, and any other employee of a Gaming Operation deemed by the Gaming Commission to be engaged in Gaming-related activities in the course of his or her employment.

"Gaming Equipment or Supplies" means:

(a) Any machine, mechanism, device, or implement that may affect the result of a Game by determining win or loss, including without limitation, any of the following:

- (1) Any Gaming Device
- (2) Software used with any Gaming Device
- (3) Cards; and
- (4) Dice

(b) 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; and

(c) Services to maintain, repair, or renovate any equipment or supplies described in subsections (a) or (b) and any other services that directly relate to the conduct of Gaming, security, or surveillance at a Gaming Establishment, including without limitation, casino credit reporting

services.

"Gaming Establishment" means any facility or premises where Class II or Class III Gaming is conducted and includes all buildings, structures and other appurtenances required for the operation or maintenance of such facility or used in connection with such Gaming.

"Gaming Operation" means any business owned by the Tribe or a Tribal entity, the revenues of which are primarily derived from Gaming or from any Gaming Establishment.

"Gaming Supplier" means any Person who sells, leases, or otherwise supplies any Gaming Equipment or Supplies to a Gaming Operation.

"Gross Revenue" means the total of all of the following, less the total of all cash paid out as winnings to Patrons and any amounts made deductible from Gross Revenues as Patron winnings or otherwise:

- (a) Cash received as wagers;
- (b) Cash received in payment for credit extended by a Licensee to a Patron for the purposes of Gaming; and
- (c) Compensation received for conducting any Game in which the Licensee is not a party to a wager.

For the purposes of this definition, cash or the value of non-cash prizes awarded to Patrons in a contest or tournament are not winnings.

The term "winnings", as used in this definition, does not include:

- (a) Counterfeit money, chips, tokens, wagering instruments, or wagering credits;
- (b) Coins of other countries that are received in Gaming Equipment or Supplies;
- (c) Cash taken in fraudulent acts perpetrated against a Licensee for which the Licensee is not reimbursed; or
- (d) Cash received as entry fees for contests or tournaments in which the Patrons compete for prizes.

Calculation of Gross Revenues - certain expenses not deductible:

(a) In calculating Gross Revenue, any prizes, premiums, drawings, benefits, or tickets which are redeemable for money or merchandise or other promotional allowance, except money or tokens paid at face value directly to a Patron as the result of a specific wager and the amount of cash paid to purchase an annuity to fund winnings, must not be deducted as Patron winnings.

(b) In calculating Gross Revenue from Gaming Devices, the actual cost to the Licensee of any personal property distributed to a Patron as the result of a legitimate wager may be deducted as a Patron winning, but not travel expenses, food, refreshments, lodging or services. For the purposes of this Section, "as the result of a legitimate wager" means that the Patron must make a wager prior to receiving the personal property, regardless of whether the receipt of the personal property is dependent on the outcome of the wager.

"Indian Gaming Regulatory Act" or IGRA" means P.L. 100-497, 102 Stat. 2467, enacted on Oct. 17, 1988 and codified at 25 U. S.C. § 2701 et seq.

"Indian Lands" shall have 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.

"Key Employee" means:

(a) A person employed by a Gaming Operation who performs one or more of the following functions:

- (1) Bingo caller,
- (2) Courting room supervisor,
- (3) Security Officer,
- (4) Custodian of Gaming Equipment or Supplies; or cash,
- (5) Floor manager,
- (6) Pit boss,
- (7) Dealer,
- (8) Croupier,
- (9) Approver of credit, or
- (10) 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;

(b) If not otherwise included, any other person whose total cash compensation from employment in any Gaming Operation exceeds \$50,000 per year;

(c) If not otherwise included, the four most highly-compensated persons employed in any Gaming Operation; or

(d) Any other employee of any Gaming Operation that the Commission designates by Commission Regulations as a Key Employee.

"License" means a limited grant of authority by the Commission, pursuant to the

Act, to a specific Person to perform certain acts or engage in certain activities that are regulated under the Act and cannot be performed or engaged in without a License. Neither the filing of an Application nor the Commission's decision to grant or not grant a License to an Applicant shall create a property interest or due process rights in favor of the Applicant except as may be explicitly provided by the Act, these Regulations, or other Tribal Laws. Licenses shall be structured according to the type of Applicant; as provided in the table below:

License Type	Category	Description	License Term
Gaming Establishment	NA	NA	two (2) years
Employee	Level 1	Primary Management Officials	one (1) year
	Level 2	Key Employees	two (2) years
	Level 3	Non-Key Employees	three (3) years
	Level 4	Non-Gaming Employees	three (3) years
Supplier	Level A	Gaming Supplier	two (2) years
	Level B	Non-Gaming Supplier	three (3) years

"Licensee" means any Person who has been issued a valid and current License pursuant to the provisions of this Act.

"Management Contract" means any contract, agreement or other document, including all collateral agreements, that delegates managerial responsibilities to any Person in or for any Gaming Operation and that requires approval by the NIGC pursuant to the Indian Gaming Regulatory Act.

"Management Contractor" means any Person to whom managerial responsibilities in or for any Gaming Operation have been assigned by a Gaming Operation under a Management Contract.

"Management Fee", means any monies paid by a Gaming Operation from Gaming Revenue to any Person pursuant to a Management Contract, but excluding monies permitted under the Management Contract to be paid to the

Management Contractor as reimbursement for Operating Expenses, capital replacement costs, or in fulfillment of other obligations of such Gaming Operation.

"Manager" means the person with Management responsibility for a Management Contract, as designated by the Management Contract or the Management Contractor, or the person designated by the Gaming Operation as having Management responsibility for a Gaming Operation.

"MICS" means the minimum internal control standards promulgated by the National Indian Gaming Commission.

"Net Revenue" means Gross Revenue of any Gaming Operation minus amounts paid for, or paid out as prizes, winnings and related Operating Expenses, excluding Management Fees.

"NIGC" means the National Indian Gaming Commission.

"Non-Gaming Employee" means any employee of a Gaming Operation who is not a Gaming Employee. For purposes of Licensing, Level 4 shall be comprised of all Non-Gaming Employees.

"Non-Gaming Supplier" means any Person who is not a Gaming Supplier and who provides goods or services to a Gaming Operation, the aggregate annual value of which exceeds an amount established by Commission Regulation as determined from all written and oral contracts between the Non-Gaming Supplier and the Gaming Operation to supply such goods or services within any twelve-month period of time. For purposes of Licensing, Level B shall be comprised of all Non-Gaming Suppliers.

"Non-Key Employee" means any Gaming Employee who is not a Key

Employee or a Primary Management Official. For purposes of Licensing, Level 3 shall be comprised of all Non-Key Employees.

"Operating Expense" means any expense incurred in the operation of Gaming that is specifically designated as an Operating Expense in any Management Contract or which otherwise is so treated by application of Generally Accepted Accounting Principles.

"Patron" means 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 Establishment.

"Person" means 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 Person. The term "person", without an initial capital "P", refers exclusively to a Person.

"Person Having a Direct or Indirect Financial Interest in a Management Contract" means:

- (a) When a Person is a party to a Management Contract, any Person having a direct financial interest in such Management contract;
- (b) When a trust is a party to a Management Contract, any beneficiary or trustee;
- (c) When a partnership is a party to a Management Contract, any partner;
- (d) When a corporation is a party to a Management Contract, any Person who is a director or who holds at least 10% of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling; or
- (e) When an entity, other than a Person, has an interest in a trust,

partnership, corporation or Person that has an interest in a Management Contract, all parties of that entity are deemed to be persons having a direct financial interest in a Management Contract.

"Primary Management Official" means:

- (a) The person having Management responsibility for a Management Contract;
- (b) Any person who has authority:
 - (1) to hire and fire employees of a Gaming Operation; or
 - (2) to establish working policy for a Gaming Operation
- (c) The chief financial officer or other person who has financial Management responsibility for any Gaming Operation;
- (d) The Manager or any person having Management responsibility over all or any part of any Gaming Operation;
- (e) Any person the Commission designates by Commission Regulations as a Primary Management Official.

"Registered Non-Gaming Supplier" means a Non-Gaming Supplier that has filed a Registration form with the Commission and has received written confirmation from the Commission that the registration process is complete and that it is a Registered Non-Gaming Supplier.

"Reservation" means, pursuant to 25 U.S.C. § 1300j-5 or other applicable Federal law, (i) all lands, the title to which is held in trust by the United States for the benefit of the Pokagon Band of Potawatomi Indians; and (ii) all lands proclaimed by the Secretary of the Interior to be part of the Tribe's Reservation. The term Reservation includes any rights-of-way running through the Reservation.

"Regulations" means any Regulations promulgated by the Commission pursuant to the Act.

"Rehabilitation Hearing" means a hearing conducted by and before the Commission under the requirements of the Act and these Regulations concerning any Applicant for a Level 2, Level 3, or Level 4 Gaming Employee License who is a Tribal member and who was convicted of or entered a plea of guilty or no contest to Any Offense within the preceding five (5) years in order to determine whether the Applicant is not eligible for a Level 2, Level 3, or Level 4 Gaming Employee License under the standards set forth in the Act and these Regulations.

"Secretary" means the Secretary of the United States Department of the Interior.

"Tribal Chairperson" means the duly-elected Chairperson of the Tribe.

"Tribal Council" means the Tribal Council of the Pokagon Band of Potawatomi Indians, established under Article X of the Pokagon Band Constitution as the governing body of the Tribe.

"Tribal Court" means the Pokagon Band Tribal Court and the Pokagon Band Court of Appeals.

"Tribe" means, and **"Tribal"** shall refer to, the Pokagon Band of Potawatomi Indians.

Section 1.04 General Purposes.

These Regulations are promulgated with the intention of implementing the provisions of the Gaming Regulatory Act , and their purpose is to establish rules and standards applicable to the operation of Gaming Operations within the jurisdiction of the Tribe.

These purposes should be construed and interpreted within the framework and scope of the powers, ends and objectives of the Tribal Council and the Commission set forth in the Pokagon Band Constitution and the Act.

Section 1.05 Scope and Applicability.

These Regulations shall apply to all administrative procedures for licensing, granting of Licenses, overseeing, supervision and regulation related to the operation of the Gaming within the jurisdiction of the Tribe and the Commission.

Section 1.06 Rules of Interpretation.

(a) These Regulations shall be liberally interpreted in order to allow the Commission to carry out its duties and to ensure that all the objectives of the Act and these Regulations are achieved.

(b) In special cases, and for just cause, the Commission may relax or permit deviations from the provisions of these Regulations when strict and literal compliance therewith defeats its purpose, provided that the Commission's grant of permission to deviate from specific requirements in the Regulations must be made in writing by a duly issued order of the Commission and shall apply exclusively to those Persons identified in the order.

(c) If there is any inconsistency between these Regulations and the Act, the Act shall govern. The Commission shall have sole authority to interpret the provisions of these Regulations and determine whether or not any inconsistency with the Act exists, subject to the right of any Person to challenge final orders of the Commission as provided in the Act.

Section 1.07 Words and Terms.

(a) When interpreting the provisions of these Regulations, except where otherwise expressly stated, or if it is clearly understood to the contrary from the text:

- (1) Words conjugated in the present tense shall be understood to include the future tense.
- (2) Words used in their masculine form shall also include the feminine and neutral forms.
- (3) Words in the singular shall include the plural and vice

versa.

Section 1.08 Areas Not Covered by the Regulations.

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

Section 1.09 Official Records.

No original of any official record or document shall leave the custody of the Commission, except by express written order of the Executive Director or a court of competent jurisdiction.

Section 1.10 Communications; Notices.

(a) 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.

(b) 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.

(c) 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 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.

(e) Applicants shall immediately notify the Commission of any change of address.

CHAPTER 2

GAMING SUPPLIER AND NON-GAMING SUPPLIER LICENSING:

Gaming Supplier and Non-Gaming Supplier License and Gaming Supplier and Non-Gaming Supplier Employee Licensing:

Section 2.01 Restrictions on Doing Business.

(a) No Person shall provide goods or services related to a Gaming Operation, or the Games, or in another manner shall carry on business related with activities of a Gaming Operation, its employees or agents, unless it holds a current Gaming Supplier License validly issued by the Commission in accordance with the Act and these Regulations or is a Registered Non-Gaming Supplier, except as provided in this Chapter.

(b) No Gaming Supplier shall manufacture, sell or lease, distribute, repair or provide maintenance services to Gaming Devices in a Gaming Operation unless it holds a current Gaming Supplier License validly issued by the Commission in accordance with the Act and these Regulations.

(c) The Gaming Commission reserves the right to compel any Non-Gaming Supplier to be licensed if the Commission feels circumstances warrant such action.

Section 2.02 Parameters for Determining the Need for a Gaming Supplier License.

(a) Any Gaming Supplier which meets one or more of the following criteria shall be considered a Gaming-related vendor and, unless otherwise authorized by the Commission or unless otherwise set forth in these Regulations, shall obtain a Gaming Supplier License to do business with the Gaming Operation.

(1) Gaming Suppliers shall include, but not be limited to, any Person that meets the following criteria:

(a) The Person manufactures, sells or leases, supplies or

distributes devices, machines, equipment, accessories,
objects or articles which:

- (i) are designed specifically for use in a Gaming Operation;
- (ii) are needed to carry out an authorized Game;
- (iii) have the capacity to affect the result of the play of an authorized Game; or
- (iv) have the capacity to affect the calculation, storage, collection or control of the Gross Revenues;

(b) Junket representatives, junket operators and tour groups bringing Patrons to the Gaming Establishment would be Gaming Suppliers.

- (2) The Person provides maintenance services or repairs Gaming Equipment, including Gaming Devices;
- (3) The Person provides services directly related to the operation, Regulation or administration, among others, of a Gaming Operation;
- (4) The Person provides those other articles or services that the Commission has determined are used in or are incidental to Gaming, or to an activity of a Gaming Operation and that, therefore, require a License from the Commission in order to protect the trust, credibility and integrity of Gaming within the jurisdiction of the Tribe;
- (5) Credit reports service providers for Gaming Operations and suppliers of security services for Gaming Operations.

(b) The list contained in paragraph (a) above is not all inclusive, but illustrative.

Section 2.03 General Parameters for Granting Gaming Supplier or Non-

Gaming Supplier License.

(a) All Gaming Supplier and Non-Gaming Supplier License Applicants shall submit to the Commission the information, documentation and guarantees necessary to establish through clear and convincing evidence:

1. The financial stability, integrity and economic responsibility of the Applicant;
2. The good character, honesty and integrity of the Applicant;
3. That the owners, administrative and supervisory personnel, principal employees and sales representatives of the Applicant comply with the parameters provided in these Regulations;
4. The integrity of the investors, mortgage creditors, guarantors and holders of bonds, notes and other evidences of debt which are in any way related to the Applicant;
5. The integrity of all the officers, directors and trustees of the Applicant; and
6. The licensing criteria as set forth in the Act.

If the Applicant is not a publicly traded company, the Applicant shall produce proof of beneficial ownership. Stock ownership shall be issued to bona fide individuals or entities and shall not be in the form of nominee or bearer shares.

Section 2.04 Initial Application for a Gaming Supplier or Non-Gaming Supplier License.

(a) The initial Application for a Gaming Supplier License shall consist of:

- (1) An original and a copy of the following documents:
 - (i) Business Entity Disclosure Form - Gaming Supplier or Business Entity Disclosure Form Non-Gaming Supplier, as appropriate, are to be completed by the Applicant;

- (ii) Personal History Disclosure Form(s) shall be completed by each person who must be qualified by the Applicant in accordance with these Regulations; and

(2) The fees to be paid, as provided in these Regulations.

- (b) The Commission may request the holding company of the Applicant to submit documents described in (a)(1)(i) and (ii) above.
- (c) Every initial Application shall be filed at or mailed to the Commission at its address of record.
- (d) The Commission shall not evaluate an initial Gaming Supplier and Non-Gaming Supplier License Application unless the same is accompanied by all the information required in these Regulations, including all documents requested in paragraphs (a) and (b) above; provided that any incomplete Application filed with the Commission shall be deemed to be as if the same had not been filed.
- (e) It shall be the responsibility of the Gaming Supplier and Non-Gaming Supplier Applicant and its principals to provide information and or documentation and to demonstrate their qualifications by clear and convincing evidence relative to the character, honesty and integrity of its directors, officers, stockholders and principal employees to the Commission.

Section 2.05 Duration of the License.

- (a) Each Gaming Supplier License issued by the Commission shall be for a period not to exceed two (2) years.
- (b) Each Non-Gaming Supplier License issued by the Commission shall be for a period not to exceed three (3) years.
- (c) Notwithstanding the provisions of paragraph (a) and (b) above, the Commission may, as it may deem necessary, issue any Gaming Supplier or Non-Gaming Supplier License for a shorter period.

Section 2.06 Gaming Supplier and Non-Gaming Supplier License Renewal

Application.

(a) Each Gaming Supplier License renewal Application shall be filed no later than sixty (60) days prior to the expiration date of said License.

(b) The Gaming Supplier and Non-Gaming Supplier License renewal Application shall include:

(1) A duly-completed original and a photocopy of:

(i) A renewal Application for Gaming Suppliers or Non-Gaming Suppliers, as appropriate, which shall contain all the information that has changed from the date of the Application for the initial Gaming Supplier or Non-Gaming Supplier License or of the last renewal, to be completed by the Applicant and by each holding company of the Applicant; Personal History Disclosure Form to be completed by each person who must be qualified in accordance with the Act, and who has not been qualified by the Commission; and

(2) The amount of fees to be paid is as provided in these Regulations.

Section 2.07 License Fees and Investigative Costs.

(a) The fees to be paid for the initial Application for a Gaming Supplier and

Non- Gaming Supplier Registration shall be determined by the Commission; provided that

said fees shall not be less than \$3,000 for Gaming Supplier License Applications and \$200 for Non-Gaming Supplier Registration.

Applicants for Gaming Supplier Licenses will also be billed for the costs of the background investigations necessary to complete a background investigation to the standards set forth in these Regulations. Applicants submitting a renewal Application shall be billed no less than \$300 for a

Gaming Supplier Renewal Application and \$100 for each control person; for the costs of the background investigations necessary to complete the licensing process to the standards set forth in these Regulations.

Section 2.08 Disqualification Criteria.

The Commission may deny a Gaming Supplier and Non-Gaming Supplier License to any Applicant that, in the opinion of the Commission:

- (a) Has not proven through clear and convincing evidence that the Applicant and any of the persons required to be qualified in accordance with these Regulations are in fact duly-qualified; or
- (b) Has violated any of the provisions of the Act or these Regulations; or
- (c) Has failed to provide information or documentation requested in writing by the Commission in a timely manner, which shall not exceed thirty (30) business days from the date of request by the Commission without reasonable justification.
- (d) Does not consent to investigations, inspections and searches, or to have photographs and fingerprints taken for investigative purposes.
- (e) Has been convicted of any felony or misdemeanor involving moral turpitude, in the State of Michigan or any other jurisdiction, providing that this disqualifying criterion shall not automatically apply in case of convictions that have been expunged from such the Applicant's criminal record upon a court order.
- (f) Is being prosecuted or has pending charges in any jurisdiction for any crime previously specified; however, at the request of the Applicant or the person being prosecuted, the Division may postpone the decision concerning such Application while said charges are pending.
- (g) Is identified as a career offender or is a member of a criminal organization, or as being associated to a career offender or a criminal organization.

- (h) The Commission may also deny this License by applying the criteria listed above to those persons related to the Applicant that must be qualified pursuant to these Regulations as a condition of licensure.

Section 2.09 Qualification Requirements Before Granting a Gaming Supplier or Non-Gaming Supplier License.

(a) The Commission shall not issue a Gaming Supplier and Non-Gaming Supplier License to any Applicant who has failed to establish in advance the individual qualifications of each one of the following Control Persons:

- (1) Every owner of the Applicant who has, directly or indirectly, any interest in or is the owner of more than ten percent (10%) of the Applicant;
- (2) Every owner of the Applicant entity that the Commission deems necessary to promote the purposes of the Act and the Regulations;
- (3) Any director of the Applicant, except such director who, in the opinion of the Commission, is not significantly involved in or connected with the administration of the Applicant;
- (4) Every representative of the Applicant who is significantly involved in or who has authority over the manner in which the business dealing with the activities of a Gaming Operation is conducted and any officer who the Commission considers necessary to protect the good character, honesty and integrity of the Applicant;
- (5) Any officer of the holding company of the Applicant who the Commission considers necessary to protect the good

character, honesty and integrity of the Applicant;

- (6) Any employee who supervises the national office that employs the sales representatives who shall solicit business from or negotiate directly with the Gaming Operation; and
- (7) Any other person who the Commission considers should be qualified in conjunction with the Application.

(b) In addition to the above, a Gaming Supplier shall file a Level 2 License Application for any employee who shall be regularly dedicated to soliciting business from the Gaming Operation and any technological employee who has access to the Gaming Operation floor in the performance of his job duties.

(c) To establish the individual qualifications, the entity or entities specified in subparagraphs (a) and (b) of this Section shall complete Business Entity Disclosure Form - Gaming Suppliers and Business Entity Disclosure Form for Non-Gaming Suppliers, as appropriate.

(d) To establish the individual qualifications, the persons specified in subparagraphs (a)(2) through (a)(7) of this Section shall complete Personal History Disclosure Form(s).

Section 2.10 General Parameters to Qualify as a Person Connected with a Gaming Supplier or Non-Gaming Supplier.

(a) Any person who is required to qualify, because of his relationship with a Gaming Supplier or Non-Gaming Supplier License Applicant, shall provide the Commission with information, documentation and assurances necessary to establish, through clear and convincing evidence:

- (1) His relationship with the Applicant;

- (2) That he is older than eighteen (18) years of age;
- (3) The Commission shall deny any person required to qualify in conjunction with a Gaming or Non-Gaming Supplier License that does not satisfy the standards for entity licensing set forth in the Act or these Regulations.
- (4) That he has not been convicted by a State or Federal court of justice or a court of justice of any other jurisdiction of:
 - (i) committing, intending to commit or conspiring to commit a crime of moral turpitude, illegal appropriation of funds or robbery, or any violation of a law related to Games of chance, or a crime which is contrary to the declared policy of the Tribe with respect to the Gaming industry; or
 - (ii) committing, intending to commit, or conspiring to commit a crime which is a felony on the Reservation or a misdemeanor in another jurisdiction which would be a felony if committed on the Reservation.
- (b) Failure to comply with one of the requirements set forth in paragraph (a) above shall be sufficient cause for the Commission to deny a Gaming Supplier License or Non-Gaming Supplier License.

Section 2.11 Investigations; Supplementary Information; Approval of Change.

- (a) The Commission may, at its discretion, conduct any investigation with respect to an Applicant or any person related to an Applicant that it deems pertinent, either at the time of the initial Application or at any subsequent time.
- (b) It shall be the continuing duty of any Applicant or holder of a Gaming Supplier or Non-Gaming Supplier License to fully cooperate with the Commission during any investigation and to provide any supplementary

information that the Commission requests.

(c) The Applicant shall file with the Commission for its approval, within ten (10) business days, any change in the Applicant or holder of a Gaming Supplier or Non-Gaming Supplier License the original state of which was a condition imposed by the Commission for the granting of the initial Gaming Supplier License or the renewal of said License; provided that any change in the ownership of the Applicant or the holder of a Gaming Supplier or Non-Gaming Supplier License or any change in the ownership of any holding or intermediary company of the Applicant that represents five percent (5%) or more of the total shares issued and outstanding or of the total participation in the same, except when the holding or intermediary company is a publicly-traded corporation, not approved by the Commission shall be sufficient cause for invalidating any License or prior approval granted by the Commission. The proposed new owner shall submit to the Commission an initial Gaming Supplier License or Non-Gaming Supplier Application and evidence that he is qualified to receive the same.

Section 2.12 Cause for Suspension, Failure to Renew, or Revocation of a Gaming Supplier and Non-Gaming Supplier License.

- (a) Any of the following reasons shall be considered sufficient cause for the suspension, denial of renewal or revocation of a Gaming Supplier License or a Non-Gaming Supplier registration:
- (1) Violation of any provision of the Act or the Regulations;
 - (2) Conduct that would disqualify the Applicant, or any other person, required to be qualified by the Commission;
 - (3) Failure to comply with any applicable laws or Regulations;
 - (4) The material deviation of any representation made in the Application for the Gaming Supplier or the Registered Non-Gaming Supplier.
- (b) Notwithstanding the provisions of subparagraph (a) above, any other cause that the Commission deems reasonable shall be considered sufficient cause for the suspension, denial of renewal or revocation of a Gaming Supplier License.

Section 2.13 Temporary License to Conduct a Commercial Transaction in

the Absence of a Permanent Gaming Supplier License.

- (a) The Commission, at its discretion, may issue a Temporary License to a

Supplier License Applicant to permit the Applicant to carry out a commercial transaction with a Gaming Operation before said Applicant has obtained a permanent Gaming Supplier License, provided that:

- (1) The Applicant has filed with the Commission a completed Application for a Gaming Supplier License;
- (2) At least fifteen (15) days has passed since the filing of said completed Application with the Commission; and
- (3) The Gaming Operation submits to the Commission a petition for special authorization to carry out a commercial transaction in the absence of a permanent Gaming Supplier License that contains:
 - (i) sufficient reasons to convince the Commission to grant the temporary License; and
 - (ii) a copy of the contract or proposed contract describing the commercial transaction that it desires to carry out.

(b) The Commission shall evaluate the Application and said petition for a temporary License and shall promptly notify the Applicant and the petitioning Gaming Operation of its decision in writing.

(c) Any commercial transaction conducted under a temporary License shall be noticed to the Commission by the temporary Licensee and the Gaming Operation within ten (10) days following the carrying out of the commercial transaction. The notification shall at least contain the date of the transaction and the description of the commercial transaction carried out.

Section 2.14 Reciprocity.

- (a) The Commission may recognize and accept the licensing

determinations of other Gaming regulatory agencies regarding any Gaming Supplier or Non-Gaming Supplier License Applicant and persons determined to be Control Persons of the applicant pursuant to these regulations. The Applicant for a Gaming Supplier or Non-Gaming Supplier License shall petition the Commission and such petition shall include the following:

- (1) Jurisdictions in which the Applicant has valid casino or other service industry Licenses;
- (2) Certification that the License held by the Gaming Supplier License or Non-Gaming Supplier License Applicant is in good standing in other jurisdictions in which it is Licensed; and
- (3) If also Licensed by the State of Michigan, a certification that the License is in good standing in that State.

(b) The Commission shall determine that one or more of the jurisdictions in which the Gaming Supplier or Non-Gaming Supplier Applicant has been Licensed has Licensing standards that are at least as stringent and a background investigation process at least as rigorous as set forth in the Act and these Regulations.

In the event reciprocity is approved by the Commission and a waiver of the background investigative process, or any portion thereof, is granted to the Gaming Supplier License or Non-Gaming Supplier License Applicant, the Commission shall have the right to call forward those employees of the Gaming Supplier License or Non-Gaming Supplier License Applicant who are involved in servicing the Gaming Operation.

Section 2.15 Non-Gaming Suppliers.

- (a) No Non-Gaming Supplier shall provide goods or services to the Gaming Operation on a regular and continuing basis unless it is a Registered Non-Gaming Supplier in accordance with these Regulations except as otherwise expressly provided in this Section. The following standards shall apply to determine whether a Non-Gaming Supplier must be a Registered Non-Gaming Supplier.

- (1) Non-Gaming Supplier Registration. Any Non-Gaming Supplier who provides, or should know that it will provide, in

excess of \$300,000 of goods or services to a Gaming Operation in any twelve-month period must file a Non-Gaming Supplier Registration Form and receive written confirmation from the Commission that it is duly registered before it may engage in business or continue to engage in business with a Gaming Operation.

(b) Notwithstanding the above, the Commission may exempt a Person from the requirement of obtaining a Non-Gaming Supplier Registration under this Section 2.15.:

(1) The following Persons shall be automatically exempt from the registration requirement and shall not be required to submit an Exemption Application, provided that the Commission may condition the granting of such exemption on the submission of non-public information that is necessary to verify that such Person meets the criteria in one of the exemption provisions in this subsection.

(a) Local, State, and Federal governmental agencies, including the United States Postal Service, to the extent the entity provides services related to its governmental agency function to a Gaming Operation.

(b) A Person or field of commerce that is subject to regulatory oversight and a due diligence investigation by another regulatory agency that is satisfactory to the Commission, including public utilities and accredited higher education institutions, to the extent that the services provided to the Gaming Operation involve regulated activities.

(c) An insurance company licensed or authorized to transact business to the extent that it provides insurance related services to a Gaming Operation.

(d) A publicly traded United States corporation under the regulation of the United States Securities and Exchange Commission, or a wholly owned subsidiary of such a corporation.

(e) A professional entertainer, sports figure, or other celebrity engaged by a Gaming Operation to appear at a special entertainment or promotional event sponsored by the Gaming Operation to the extent that such Person provides entertainment or promotional services to a Gaming Operation.

- (f) A federally chartered depository financial institution to the extent that it provides financial-related services to a Gaming Operation.
- (g) A Person or entity that provides professional legal or accounting services to a Gaming Operation to the extent that it provides financial related services to a Gaming Operation.
- (2) A medical corporation, partnership, sole proprietorship, or other business entity, to the extent that the applicant provides medical related services to a Gaming Operation.
- (3) An agent or promoter of a professional entertainer, sports figure, or celebrity, provided that such agent or promoter does not otherwise provide services to the Gaming Operation on a regular and continuing basis.
- (4) A Person who provided facilities, promotion, or advertising to a Gaming Operation and is one of the following:
 - (a) A media outlet (defined as a newspaper, a magazine, an outdoor advertising business, or a radio or television outlet).
 - (b) A provider of a facility or a host or sponsor of an event that presents advertising on behalf of or promotes a Gaming Operation, including but not limited to theaters, ballrooms, halls, arenas, parks, stadiums, golf courses, and other entertainment, recreational, and sports facilities.
 - (c) A provider of a facility that provides entertainment, recreational, or hospitality services to a Gaming Operation and is a theater, ballroom, hall, arena, park stadium, golf course, or special event venue.
- (c) Any Person that meets the exemption criteria in subsections 2.15(b)(2)-(4) and wishes to apply for an exemption from the Non-Gaming Supplier registration requirements under this Section shall apply in writing to the Commission for said exemption.
- (d) The Exemption Application required by subsection 2.15(c) shall contain the following information:
 - (1) Name, address and detailed description of the service offered by the Applicant;
 - (2) Name of the owners, directors, officers and managerial employees of the Applicant;

- (3) Dollar amount of the transactions; and
- (4) Evidence that fulfills the specific requirements of one of the subsections 2.15(b)(2)-(4) .

(e) Every Gaming Operation shall submit a report to the Commission on a monthly basis summarizing all transactions with vendors for the previous month, and cumulatively, for the past twelve months to assist the Commission in assessing regular and continuing business by Non-Gaming Suppliers. Said report shall contain the following:

- (1) Name of Vendor
- (2) Nature of Goods & Services Provided
- (3) Dollar Amount
- (4) Any further information deemed necessary by the Commission

(f) The Executive Director may waive, on a case-by-case basis for good cause shown, one or more specific requirements of this Section 2.15 for a Non-Gaming Supplier, provided that the Commission reserves the authority to reinstate such requirements for the Non-Gaming Supplier at the Commission's discretion.

Section 2.16 Records.

(a) All Gaming Suppliers and Non-Gaming Suppliers Licensed by the Commission shall maintain in a place secure against robbery, loss or destruction the records corresponding to the business operations, which shall be available to, and be produced for, the Commission, should they be requested. Said records shall include:

- (1) Any correspondence with the Commission and other governmental agencies;
- (2) Any correspondence related to the business with a Gaming Operation, whether proposed or existing;
- (3) Copies of any publicity and promotional materials;
- (4) The personnel files for every employee of the Licensed Gaming Supplier or Non-Gaming Supplier Person, including those for the sales representatives;
- (5) The financial records for all the transactions related to the business with a Gaming Operations, whether proposed or

existing;

(b) The records listed in subparagraph (a) above shall be kept at least for a period of five (5) years.

Section 2.17 Obligation to Pay the Fees; No Refund of Fees Paid.

(a) Any obligation for payment of fees arising from these Regulations shall be paid in full even when the Applicant withdraws its Application for a Gaming Supplier or Non-Gaming Supplier License.

Section 2.18 Master Vendors List.

- (a) The Commission shall maintain a master vendor list of all vendors doing business with the Gaming Operation.
- (b) An approved master vendors list will be maintained by the Commission and will be comprised of all vendors with temporary or permanent License approval or confirmed Registration to engage in business transactions with the Gaming Operation.
- (c) The Commission shall also maintain a prohibited vendor list, which shall include all vendors who are not licensed or who are otherwise prohibited from conducting business with a Gaming Operation. The Commission shall provide this list to each Gaming Operation on a monthly basis.
- (d) Engaging in business with a vendor on the prohibited vendor list by a Gaming Operation may result in monetary fines not to exceed \$5,000, regulatory sanctions, or both.

CHAPTER 3

EMPLOYEE LICENSING:

Section 3.01 Prohibition of Employment in a Gaming Operation; Employee License Requirements.

No Person may work as an employee of a Gaming Operation or provide services to a Gaming Operation unless the person has a current employee License validly issued by the Commission, as provided in the Act and this Chapter. The employee License requirement applies to managerial employees as well as non-managerial employees who work in or for a Gaming Operation, regardless of whether or not the employee is an employee of the Gaming Operation.

Section 3.02 Persons Who Must Obtain an Employee License.

(a) Unless otherwise approved by the Commission, any Person who carries out or will carry out, or has or will have any of the functions mentioned in paragraphs (b) through (f) of this Section, shall obtain an employee License before commencing to work in the casino; provided that the list contained in paragraphs (b) through (f) of this Section is not all-inclusive, but illustrative, being the guiding rule for determining the necessity of having an employee License and the type or level of License that may be required.

(b) Primary Management Official (Level 1):

(1) The person who has Management responsibility for a Management contract.

(2) Any person who has authority to:

(i) Hire or fire employees of a Gaming Operation; or

(ii) Establish working policies for a Gaming Operation and an ability to control or direct a Gaming Operation;

(3) In addition, the following individuals will be deemed to be Primary Management Officials:

(i) The chief financial officer or other person who has financial Management responsibility for a Gaming Operation; and

(ii) The Manager or any person having Management responsibility over all or part of a Gaming Operation.

(4) Any other person who has the authority to direct, control, manage or engage in discretionary decision-making over a Gaming

Operation.

(c) Any person who is going to be employed by the casino in a position that includes any of the following responsibilities or powers, regardless of the title, shall obtain a Key Employee License (Level 2):

(1) The supervision of specific areas of the casino, including, but not limited to, any person who:

- (i) Functions as a bingo caller;
- (ii) Supervises a counting room;
- (iii) Functions as custodian of Gaming Equipment or Supplies, or cash;
- (iv) Functions as a floor manager;
- (v) Functions as a pit boss;
- (vi) Functions as a dealer;
- (vii) Functions as a approver of credit;
- (viii) Functions as a 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;
- (ix) Functions as a casino shift Manager;
- (x) Functions as a supervisor of a Gaming table section;
- (xi) Functions as a poker shift supervisor;
- (xii) Functions as shift manager or supervisor of the slot machine operation;
- (xiii) Supervises the repair and maintenance of the Gaming Devices and the bill validators;
- (xiv) Supervises the operation of the surveillance department during a shift;
- (xv) Supervises security investigations or the operation of the security department during a shift;
- (xvi) Functions as Manager or supervisor of any cage;
- (xvii) Supervises any count room; or

(xviii) Supervises the collection unit of the casino.

(2) Authority to develop or administer policy or long-term plans or to make discretionary decisions relative to the operation of the casino shall be considered a Key Employee (Level 2) and shall include, but not be limited to, any person who:

- (i) Functions as the Gaming device section manager;
- (ii) Functions as director of surveillance;
- (iii) Functions as director of security;
- (iv) Functions as controller;
- (vii) Functions as credit manager;
- (v) Functions as an audit Section executive;
- (vi) Functions as Manager of the MIS ("Management Information Systems") section or of any information system of a similar nature;
- (vii) Manages a marketing department;
- (viii) Manages the casino administrative operations; or
- (ix) Functions as hotel general Manager.

(d) Any person who is going to be employed by the Gaming Operations in a position that includes any of the following responsibilities related to the operation of the Gaming Operations, or whose responsibilities predominantly involve the maintenance or the operation of Gaming activities or equipment and assets associated with the same, or who is required to work regularly in a restricted area shall obtain a Key Employee License (Level 2). Such persons shall include, but not be limited to, any person who:

- (1) Functions as a croupier;
- (2) Conducts or supervises any table Game;
- (3) Conducts surveillance investigations and operations in a casino;
- (4) Repairs and maintains Gaming Equipment, including, but not limited to, Gaming Devices and bill validators;

- (5) Functions as Cage cashier, cashier supervisor or Gaming Device cashier;
- (6) Assists in the operation of Gaming Devices and bill validators, including, but not limited to, persons who participate in the payment of jackpots and in the process of filling hoppers, or who supervise said persons;
- (7) Identifies Patrons for the purpose of offering them complimentaries based on the actual volume of play of the Patron, authorizes said complimentaries or determines the amount of such complimentaries;
- (8) Analyzes casino operation data and makes recommendations to key personnel of the casino relating to casino marketing, Complimentaries, Gaming, special events and player ratings, among others;
- (9) Enters data into the Gaming-related computer systems or develops, maintains, installs or operates Gaming related computer software systems;
- (10) Collects and records Patron checks and personal checks which are dishonored and returned by a bank;
- (11) Develops marketing programs to promote Gaming in the Gaming Operation;
- (12) Processes or maintains information on casino credit applications;
- (13) Processes coins, currency, chips or cash equivalents of the casino;
- (14) Repairs or maintains the closed circuit television system equipment as an employee of the surveillance section of the casino;
- (15) Is a surveillance department trainee or a surveillance room technician;
- (16) Controls or maintains the slot machine inventory, including replacement parts, equipment and tools used to maintain the same;

- (17) Has responsibilities associated with the installation, maintenance or operation of computer hardware for the casino computer system;
- (18) Any other employee whose cash compensation in the Gaming Operation exceeds \$50,000 in any given year; and
- (19) Security Officer.

(e) Any person employed by a Gaming Operations who is not required under the Act or these Regulations to obtain a Level 1, Level 2 or Level 3 License shall obtain a Level 4 License.

Section 3.03 Scope and Applicability of the Licensing of Natural Persons.

(a) In determining whether a Person who provides services to a Gaming Operation should hold an employee License, it shall be presumed that such person shall be required to hold an employee License if the services provided by that person are characterized by any of the following factors, which are indicative that an employment relationship exists:

- (1) The Person will, for a period of time unrelated to any specific project or for an indefinite period of time, directly supervise one or more employees of the Gaming Operations;
- (2) The Gaming Operations will withhold local and federal taxes or make regular deductions for unemployment insurance, social security, or other deductions required by law from the payments made to the Person;
- (3) The Person will be given the opportunity to participate in any benefit plan offered by the Gaming Operations to its employees, including, but not limited to, health insurance plans, life insurance plans or pension plans;
- (4) The Person will not, during the time that services are rendered to the casino, maintain an autonomous business Person, seek or provide services to other clients, or practice a trade or

profession other than for the benefit of the Gaming Operations; or

(5) The Person has an Employee License Application pending before the Commission or will submit such an Application during the time the services are being rendered to the Gaming Operations, and the cost of the License has been or will be paid for or reimbursed by the Gaming Operation.

(b) The Commission may, after considering the factors in paragraph (a) of this Section and any other applicable information, require that the Person obtain an employee License before providing or continuing to provide any service to the Gaming Operations even if an agreement to the contrary exists between the Gaming Operations and the Person.

Section 3.04 Requirements for Granting an Employee License.

(a) In addition to the specific employee licensing standards stated in Section 7.04 of the Act, each employee License Applicant shall provide the Commission with the necessary information, documentation and guarantees that establish through clear and convincing evidence that he/she:

- (1) Is older than eighteen (18) years of age;
- (2) Is a citizen of the United States of America or is authorized in accordance with the applicable Federal laws or regulations to work in the United States of America; and
- (3) Possesses good character and reputation, in addition to being honest and having integrity.
- (4) Has no physical or mental disability which hinders adequate performance of his work; and
- (5) Has passed the training for croupiers offered by a Gaming Operation in the event that he or she will be working at a table or has a valid certificate of completion of training in specific table Games in any Gaming jurisdiction in the United States.

(b) In addition to the general Licensing requirements stated in

subsection (a), the Commission shall not grant a Level 4 employee License to any Applicant who has been convicted of or entered a plea of guilty or no contest to any felony involving a violent crime, or any offense involving theft, dishonesty, fraud or misrepresentation or a drug-related offense within the immediately preceding five (5) years that was committed as an adult or prosecuted as an adult offense.

(c) The right of Tribal members to a Rehabilitation Hearing under Section 11.03(a) of the Act shall also extend to Tribal members who are Applicants for a Level 4 Gaming employee License.

(d) Notwithstanding the provisions of subsection (b) of this Section, the Commission shall have the discretion to waive any Level 4 employee License standard for any Applicant consistent with the public policy of the Act and upon a finding that the interests of justice so require, provided that the Applicant has affirmatively demonstrated the Applicant's rehabilitation based on a consideration of the following factors:

- (1) The nature and duties of the Applicant's position;
- (2) The nature and seriousness of the offense or conduct;
- (3) The circumstances under which the offense or conduct occurred;
- (4) The date of the offense or conduct;
- (5) The age of the Applicant when the offense or conduct was committed;
- (6) Whether the offense or conduct was an isolated or repeated incident;
- (7) Any social conditions which may have contributed to the offense or conduct; or
- (8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have or have had

the registrant under their direct supervision.

(e) Failure to comply with the applicable licensing standards stated in Section 7.04 of the Act or the general requirements stated in paragraph (a) above shall provide adequate grounds for the Commission to deny an Application for an employee License

Section 3.05 Provisional Employee License.

- (a) The Commission may issue a provisional employee License in accordance with the following rules:
- (1) The Commission determines that the Applicant has filed with the Commission a completed Application for an employee License;
 - (2) The Applicant would meet the Licensing standards set forth in the Act and these Regulations; and
 - (3) Granting the provisional License would not pose a threat to the public interest or to the effective regulation of Gaming and would not create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of Gaming.
- (b) A provisional License may be issued for a period of time not to exceed ninety (90) days.
- (c) The Commission shall make a determination whether or not to issue a provisional License to all Applicants for Level 1, Level 2, or Level 3 Licenses. Applicants for a Level 4 License may commence employment without a License provided that the Commission determines that the Applicant has filed a complete Application with the Commission before commencing employment.

Section 3.06 Initial Employee License Application Processing.

- (a) If the Commission determines that the initial Application does not comply with all the requirements provided in the Act and these Regulations, it shall notify the Applicant of the deficiency(ies) within twenty (20) days following the filing of the Application. The Commission shall not evaluate any incomplete initial Application.
- (b) If the Commission has determined that the Application filed is complete, the Commission shall:
 - (1) Accept the Application and initiate the procedure for considering the same;
 - (2) Notify in writing all License Applicants that the Application has been accepted for consideration. Said notice shall also include:
 - (i) The date of said acceptance;
 - (ii) The file number of the Application; and
 - (iii) An admonishment to the Applicant that the fact that the Application has been accepted for consideration does not mean that the Applicant has complied with the requirements of the Act or the Regulations for a License;
 - (3) Analyze and evaluate the information offered in the Application and any other information necessary to determine if the requested License should be granted;
 - (4) Make a decision with respect to the requested License; and
 - (5) Notify the Applicant of the decision taken. If the decision consists of a denial of the License, the Commission shall inform the Applicant the reason or reasons for the denial and of his right to request a hearing pursuant to the Act.
- (c) The Commission, at any time, may request from an Applicant for an Employee License any other information it may deem necessary in

order to make a decision with respect to the Application.

Section 3.07 Employee License Duration.

- (a) Primary Management Officials will be issued a License for one (1) year.
- (b) Key Employees will be issued a License for two (2) years.
- (c) Non-Key Employees will be issued a License for two (2) years.
- (d) Non-Gaming Employees will be issued a License for three (3) years.
- (e) Notwithstanding the provisions of paragraph (a) to (d) above, the Commission may, as deemed necessary, issue any employee License for a shorter period.

Section 3.08 Date to Submit Employee License Renewal Application.

All Employee License holders of any category shall renew their Licenses by filing with the Commission an employee License renewal Application. The completed renewal Application shall be filed with the Commission no later than sixty (60) days prior to expiration of the License.

Section 3.09 Employee License Renewal Application.

- (a) The employee License renewal Application shall include:
 - (1) A duly filled out original and a photocopy of Form PHD-ER (Personal History Disclosure-Employee Renewal), which shall contain all the information which has changed since the date of the initial Employee License Application or of the last renewal.
 - (2) The documents that identify the Applicant, as provided in Section 7.01 of the Act;
 - (a) The fees to be paid as provided in these Regulations.
 - (b) A notarized sworn statement from the Applicant

that declares that all the information contained in the Application is true and complete to the best of the Applicant's knowledge and belief.

(c) A Release Authorization allowing government and private bodies to take and offer any pertinent information related to the person as may be requested by the Commission.

(b) All renewal Applications shall be filed with the Commission.

(c) Any Licensee who fails to file a completed renewal Application in accordance with the requirements of this section at least sixty (60) days prior to the expiration date of the Licensee's current License shall, upon filing a renewal Application, pay an application fee that is 150% of the amount prescribed under these Regulations. Such Applicant's current License shall expire on the expiration date indicated on the License unless the Commission issues a new License before the expiration date.

(d) Any Licensee whose current License expires before the Licensee files a completed renewal Application with the Commission before the date of expiration of the Applicant's current License shall apply for an employee License; provided that his Application, for all purposes of these Regulations, shall be considered an initial employee License Application and shall comply with these regulation related to initial employee Applications.

Section 3.10 Employee License Renewal Application Processing.

(a) The Commission shall determine if the renewal Application filed complies with all the requirements provided in these Regulations and if any deficiency is found, it shall notify the Applicant of the deficiency(ies) within fifteen (15) days following the filing of the renewal Application with the Commission; provided that the Commission may, at its discretion and depending on the magnitude of the deficiency(ies) notified, grant an opportunity for the

Applicant to cure any deficiency notified within the period and under the conditions determined by the Commission at said time. Any Application where a deficiency has been cured in accordance with the above shall be deemed to have been filed complete within the period required by these Regulations.

(b) Upon receipt of an Application for renewal of an employee License duly-completed and filed within the period required by these Regulations, the Commission shall carry out the investigation it deems necessary.

(c) The Commission shall make a decision with respect to each completed License renewal Application which has been submitted within a reasonable period of time after its filing.

(d) The Commission shall notify the Applicant of the decision made. If the decision consists of a denial of the renewal of the License, the Commission shall inform the Applicant the reason or reasons for the denial and of his right to request a hearing pursuant to the Act.

Section 3.11 Responsibility for Establishing Qualifications and to Disclose and Cooperate.

(a) Each Applicant shall be responsible for providing the information, documentation and assurances required for establishing through clear and convincing evidence that his qualifications are in accordance with the Act and the Regulations.

(b) It shall be the continuing responsibility of every Applicant or holder of an Employee License to provide all the information, documentation and assurances that may be required by the Commission pertaining to the qualifications, and to cooperate with the Commission. Any refusal of an Applicant to comply with a formal request for information, evidence or testimony from the Commission shall be sufficient cause for a denial or revocation of the License.

Section 3.12 Identification of the Applicant.

(a) Each Applicant shall have the responsibility to identify themselves

by presenting original documents listed in subsections (b) (1), (2) and (3) which follow.

(b) The Applicant shall establish his identity by providing the Commission with one of the following documents:

(1) A current and valid U.S. Passport or Certification Naturalization or a current identification card issued by the Department of Homeland Security (DHS) containing a photograph or fingerprints and containing identification information including name, date of birth, sex, height, color of eyes and address.

(2) If none of the documents described in item (1) above are available and subsection (3) below does not apply, the Applicant shall present a certified copy of a birth certificate issued by a State, County, or municipal authority of the United States with an official seal and one of the following documents:

(i) A current and valid state issued driver's License that has a photograph contained thereon; or

(ii) A current and valid identification card issued to persons who serve in the U.S. military or their dependents that has a photograph and/or other identifying information contained thereon; or

(iii) A current and valid school identification card containing a photograph, an expiration date, the seal or logo of the issuing institution and the signature of the card holder; or

(iv) A current and valid identification card issued by a Federal, State or local government agency that contains a photograph and other identifying information.

(3) If the Applicant is a student and a citizen of another country with a J-1 authorization, the Applicant shall present the appropriate signed J-1 authorization document and a

valid and current foreign passport with the United States citizenship and immigration stamp attached therein.

- (c) If the Applicant is not a citizen of the United States, the Applicant shall provide a country identification number from the Applicant's country of citizenship.
- (d) In the event that the name on any identification document provided by an Applicant is different than the name on the Application form, the Applicant shall provide the Commission with a marriage certificate, a divorce decree, a copy of a court order granting a petition for a name change, or other valid authority to verify the use of a different name.

Section 3.13 Prohibition of Employment with Expired License.

No employee with an expired License shall work in a position or shall exercise functions for which such License is required, with the understanding that if such employee is found working without a current and valid License, the employee, as well as the Gaming Operation employing the employee, shall be subject to the sanctions stipulated in these Regulations.

Section 3.14 Obligation to Pay the Fees; No Refund of Fees Paid.

- (a) Any payment of fees arising from these Regulations shall be paid in full even if the Applicant withdraws his/her employee License Application.
- (b) The Commission shall not refund to the Applicant any amounts paid as licensing fees.

Section 3.15 Application Fees and Miscellaneous Administrative Fees.

- (a) The Application and renewal fee for Primary Management Officials (Level 1) shall be \$100.
- (b) The Application and renewal fee for Key Employees (Level 2) shall be \$50.

- (c) The Application and renewal fee for Non-Key (Level 3) employees shall be \$35; and
- (d) The Application and renewal fee for Non-Gaming (Level 4) employees shall be \$35.

Section 3.16 Change of Position or Place of Work.

(a) An employee of the Gaming Operation whose change of position requires a different License may not change position until that person has submitted a completed Application form and has been issued a new License.

(b) As it related to any change in title that entails a change in the job classification, the employee shall pay the total amount of the fees for such classification.

Section 3.17 Carrying of Licenses and Credentials.

(a) All persons to whom the Commission has issued an Employee License shall carry the Employee License on their person at all times while carrying out their functions unless such requirement is waived by the Executive Director.

(b) No casino shall permit a person to work in its casino without said person complying (carrying his Employee License as provided in) with paragraph (a) above.

Section 3.18 Authority.

(a) Nothing provided in this Chapter shall be interpreted as limiting the authority and powers of the Commission to at any time:

- (1) Investigate the qualifications of any holder of an employee License; and
- (2) Suspend and/or revoke an employee License if the holder of the License does not comply with the requirements provided in the Act or in these Regulations.

Section 3.19 Employee License Reports.

The Gaming Operation shall provide a listing of all of its employees by department, job title and License category to the Commission on a monthly basis.

Section 3.20 License Reconsideration.

Any Applicant who has an initial or renewal application denied or any Licensee whose License is revoked pursuant to the Act or these Regulations may only be reconsidered for licensing in accordance with the following:

- (a) After the denial of an initial or renewal application:
 - (1) No Applicant may be reconsidered for Licensing with the Commission for a period of six (6) months following the date of such denial.
 - (2) No Applicant who has an application denied a second or subsequent time may be reconsidered for Licensing with the Commission for a period of one (1) year following the date of such denial.
 - (3) Notwithstanding the standards set forth in subsection (a) above, if Applicant is denied after a hearing conducted pursuant to the Act and these Regulations the Commission may impose any time frame for reconsideration, provided that the Commission shall not impose any time frame greater than those set forth in subsection (a).

- (a) After the revocation of an issued License:
 - (1) No previous Licensee whose License was revoked may be reconsidered for Licensing with the Commission for a period of six (6) months following the date of such revocation.
 - (2) No previous Licensee whose License was revoked a second or subsequent time may be reconsidered for licensing with the Commission for a period of one (1) year following the date of such

revocation.

(3) Notwithstanding the standards set forth in subsection (b) above, the Commission may impose any time frame for reconsideration, provided that the Commission shall not impose a time frame greater than those set forth in subsection (b).

(c) Reconsideration procedures:

(1) Any Applicant or previous Licensee who wishes to be reconsidered for Licensing must file a new application for Licensing with the Commission.

(2) Any Applicant or previous Licensee filing a new application in accordance with this Regulation may not be issued a License, provisional or otherwise, until a hearing is conducted in accordance with the Act and these Regulations to determine their eligibility.

CHAPTER 4

MINIMUM INTERNAL CONTROL STANDARDS:

Section 4.01 Accounting Records.

(a) The Gaming Operation shall prepare and maintain accurate, complete, legible and perfect records of all transactions pertaining to the revenues and Gaming activities.

(b) General accounting records shall be prepared and maintained on a double-entry system of accounting with transactions recorded on the accrual basis in accordance with Generally Accepted Accounting Principles (GAAP). Detailed, supporting, subsidiary records sufficient to meet the requirements of (c) below shall also be maintained in accordance with the requirements of this Chapter.

(1) The Commission shall approve a uniform chart of accounts and accounting classification in order to insure consistency, comparability, and effective disclosure of financial information.

(i) The chart of accounts shall provide the classifications necessary to prepare the standard financial statements required.

- (ii) The chart of accounts shall be the minimum level of detail to be maintained for each accounting classification by the Licensee.
 - (iii) The Licensee shall not use other than the approved chart of accounts but may, with the permission of the Commission, expand the level of detail for some or all accounting classifications and/or alter the account numbering system.
- (c) The detailed, supporting, and subsidiary records shall include, but not necessarily be limited to:
- (1) Detailed records identifying revenues, expenses, assets, liabilities, and equity for each Gaming operation;
 - (2) Detailed records of all markers, IOU's, returned checks, hold checks, or other similar credit instruments.
 - (3) Individual and statistical Game records to reflect statistical drop, statistical win, and the percentage of statistical win to statistical drop by each table Game, and to reflect statistical drop, statistical win, and the percentage of statistical win to statistical drop for each type of table Game, by shift, by day, cumulative month-to-date and year-to-date, and individual and statistical Game records reflecting similar information for all other Games;
 - (4) Gaming machine analysis reports which, by each machine, compare actual hold percentages to theoretical hold percentages;
 - (5) Records supporting the accumulation of the costs and number of persons, by category of service, for regulated complimentary services;
 - (6) Journal entries prepared by the Gaming operation and by its independent accountants;
 - (7) Records of all investments in property and equipment;
 - (8) Records of all loans and other amounts payable by the Gaming Operations.
 - (9) Records which identify the purchase, receipt, and destruction of Gaming chips and plaques;
 - (10) Records provided for in the system of internal accounting controls submitted to the Commission pursuant to the Potawatomi Indians Gaming Regulatory Act.

(11) Each Gaming Operation shall establish administrative and accounting procedures for the purpose of determining effective control over a Gaming Operation's fiscal affairs.

- (a) Assets are safeguarded;
- (b) Financial records are accurate and reliable;
- (c) Transactions are performed only in accordance with Management's general and specific authorization;
- (d) Transactions are recorded adequately to permit proper reporting of Gross Revenues and of fees and taxes, and to maintain accountability of assets;
- (e) Recorded accountability for assets is compared with actual assets at reasonable intervals, and appropriate action is taken with respect to any discrepancies; and
- (f) Functions, duties, and responsibilities are appropriately segregated in accordance with sound business practices.

(d) Gross Revenues computations shall be computed as follows:

1) For table Games, Gross Revenue equals the closing table bankroll, plus credit slips for cash, chips, tokens or personal/payroll checks returned to the cage, plus drop, less opening table bankroll and fills to the table, and money transfers issued from the Game through the use of a cashless wagering system.

(2) For Gaming Devices, Gross Revenue equals drop, less fills, jackpot payouts and personal property awarded to Patrons as gambling winnings. Additionally, the initial hopper load is not a fill and does not affect Gross Revenue. The difference between the initial hopper load and the total amount that is in the hopper at the end of the Gaming Operation's fiscal year should be adjusted accordingly as an addition to or subtraction from the drop for the year (when hoppers are employed).

(3) For each Counter Game, Gross Revenue equals:

- (i) The money accepted by the Gaming Operation on events or Games that occur during the month or will occur in subsequent months, less money paid out during the month to Patrons on winning wagers ("cash basis"); or

- (ii) The money accepted by the Gaming Operation on events or Games that occur during the month, plus money, not previously included in Gross Revenue, that was accepted by the Gaming Operation in previous months on events or Games occurring in the month, less money paid out during the month to Patrons as winning wagers (“modified accrual basis”).
- (4) For each card Game and any other Game in which the Gaming Operation is not a party to a wager, Gross Revenue equals all money received by the Gaming Operation as compensation for conducting the Game.
 - (i) A Gaming Operation shall not include either skill win or loss in Gross Revenue computations.
 - (ii) In computing Gross Revenue for Gaming Devices, keno and bingo, the actual cost to the Gaming Operation of any personal property distributed as losses to Patrons may be deducted from winnings (other than costs of travel, lodging, services, food, and beverages), if the Gaming Operation maintains detailed documents supporting the deduction.
- (e) The Gaming Operation shall establish internal control systems sufficient to ensure that currency (other than tips or gratuities) received from a Patron in the Gaming area is promptly placed in a locked box in the table, or, in the case of a cashier, in the appropriate place in the cashier's cage, or on those Games which do not have a locked drop box, or on card Game tables, in an appropriate place on the table, in the cash register or in another approved repository.
- (f) If the Gaming Operation provides periodic payments to satisfy a payout resulting from a wager, the initial installment payment, when paid, and the actual cost of a payment plan, which is funded by the Gaming Operation, may be deducted from winnings. The Gaming Operation is required to obtain the approval of all payment plans from the Commission. For any funding method which merely guarantees the Gaming Operation's performance, and under which the Gaming Operation makes payments out of cash flow (e.g. irrevocable letters of credits, surety bonds, or other similar methods), the Gaming Operation may only deduct such payments when paid to the Patron.

(g) For payouts by wide-area progressive Gaming Devices systems, a Gaming Operation may deduct from winnings only its pro rata share of a wide-area Gaming Device system payout.

(h) Cash-out tickets issued at a Gaming Device shall be deducted from Gross Revenue as jackpot payouts in the month the tickets are issued by the Gaming Device. Tickets deducted from gross revenue that are not redeemed within a period, not to exceed 180 days of issuance, shall be included in Gross Revenue. An unredeemed ticket previously included in Gross Revenue may be deducted from Gross Revenue in the month redeemed.

(i) A Gaming Operation may not deduct from Gross Revenues the unpaid balance of a credit instrument extended for purposes other than Gaming.

(j) A Gaming Operation may deduct from Gross Revenue the unpaid balance of a credit instrument if the Gaming Operation documents, or otherwise keeps detailed records of, compliance with the following requirements. Such records confirming compliance shall be made available to the Commission upon request:

- (1) The Gaming Operation can document that the credit extended was for Gaming purposes;
- (2) The Gaming Operation has established procedures and relevant criteria to evaluate a Patron's credit reputation or financial resources and to then determine that there is a reasonable basis for extending credit in the amount or sum placed at the Patron's disposal;
- (3) In the case of personal checks, the Gaming Operation has established procedures to examine documentation, which would normally be acceptable as a type of identification when cashing checks, and has recorded the Patron's bank check guarantee card number or credit card number, or has satisfied paragraph (j)(2) of this Section, as Management may deem appropriate for the check-cashing authorization granted;
- (4) In the case of third-party checks for which cash, chips, or tokens have been issued to the Patron, or which were accepted in payment of another credit instrument, the Gaming Operation has established procedures to examine documentation, normally accepted as a means of identification when cashing

checks, and has, for the check's maker or drawer, satisfied subsection (j)(2) of this Section, as Management may deem appropriate for the check-cashing authorization granted;

(5) In the case of guaranteed drafts, procedures should be established to ensure compliance with the issuance and acceptance procedures prescribed by the issuer;

(6) The Gaming Operation has established procedures to ensure that the credit extended is appropriately documented, not least of which would be the Patron's identification and signature attesting to the authenticity of the individual credit transactions. The authorizing signature shall be obtained at the time credit is extended.

(7) The Gaming Operation has established procedures to effectively document its attempt to collect the full amount of the debt. Such documentation would include, but not be limited to, letters sent to the Patron, logs of personal or telephone conversations, proof of presentation of the credit instrument to the Patron's bank for collection, settlement agreements, or other documents which demonstrate that the Gaming Operation has made a good faith attempt to collect the full amount of the debt. Such records documenting collection efforts shall be made available to the NIGC or the Commission upon request.

(k) Maintenance and preservation of books, records and documents shall be in accordance to the following:

(1) All original books, records and documents pertaining to the conduct of wagering activities shall be retained by a Gaming Operation in accordance with the following schedule. A record that summarizes Gaming transactions is sufficient, provided that all documents containing an original signature(s) attesting to the accuracy of a Gaming-related transaction are independently preserved. Original books, records or documents shall not include copies of originals, except for copies that contain original comments or notations on parts of multi-part forms. The following original books, records and documents may be stored in digital format in a manner approved by the Commission, and shall be retained by a Gaming Operation for a minimum of

five (5) years or for a term as required by any other federal, state or local regulatory bodies:

- (i) Casino cage documents;
- (ii) Documentation supporting the calculation of table Game win;
- (iii) Documentation supporting the calculation of Gaming Device win;
- (iv) Documentation supporting the calculation of revenue received from the Games of keno, pari-mutuel, bingo, pull-tabs, card Games, and all other Gaming activities offered by the Gaming operation;
- (v) Table Games statistical analysis reports;
- (vi) Gaming Device statistical analysis reports;
- (vii) Bingo, pull-tab, keno and pari-mutuel wagering statistical reports;
- (viii) Internal audit documentation and reports;
- (ix) Documentation supporting the write-off of Gaming credit instruments and named credit instruments;
- (x) All other books, records and documents pertaining to the conduct of wagering activities that contain original signature(s) attesting to the accuracy of the Gaming-related transaction.

(2) Unless otherwise specified in this part, all other books, records, and documents shall be retained until such time as the accounting records have been audited by the Gaming Operation's independent certified public accountants.

(3) The above definition shall apply without regards to the medium by which the book, record or document is generated or maintained (paper, computer-generated, magnetic media, etc.).

Section 4.02 Organizational Structure.

(a) The Gaming Operation shall maintain an organizational structure which meet criteria designed to preserve the integrity of the Gaming Operation. Provided the criteria of this section are met, the Gaming Operation shall be permitted to tailor its organizational structure to meet the needs of its own particular Management style. The proposed table of organization of each Gaming Operation

shall be approved by the Commission and shall provide for the following criteria:

- (1) A system of personnel and chain of command which permits Management and supervisory personnel to be held accountable for actions or omissions within their area of responsibility;
- (2) The segregation of incompatible functions so that no employee is in a position both to commit an error or perpetrate a fraud and to conceal the error or fraud in the normal course of his or her duties;
- (3) Primary and secondary supervisory positions which permit the authorization or supervision of necessary transactions at all relevant times; and
- (4) Areas of responsibility which are not so extensive as to be impractical for one person to monitor.

(b) In addition to satisfying the requirements of subsection (a) above, the Gaming Operation's organizational structure shall include, at a minimum, departmental and supervisory positions. Each of these departments and supervisors shall be required to cooperate with, yet perform independently of all, other departments and supervisors. Mandatory departments are as follows:

(1) Gaming Operation Accounting and Revenue Audit Department

(i) A Gaming Operation accounting department supervised by a person referred to herein as a controller. The controller shall be responsible for all casino and accounting control functions including, without limitation, the preparation and control of records and data, the control of stored data, the control of unused forms, the accounting for and comparison of operational data and forms, and the control and supervision of the cashiers' cage, any satellite cages and the soft count room. The soft count room shall each be supervised by a Key Employee, who shall be responsible for the supervision of the soft count.

(ii) The Gaming Operation shall have in its accounting department one or more individuals responsible for and dedicated to verifying financial transactions, and reviewing and controlling accounting forms and data. This function, referred to as revenue audit", shall be independent of the transactions under review. Among other things, this function shall include, but not be limited to, a daily audit of the table Games documentation, a daily audit of Gaming Device transaction documentation, a daily audit of the cashier's cage accountability, a daily audit of the coin vault

accountability, document control and signature verification.

(iii) The Gaming Operation Accounting Department shall be supervised by a Gaming Operation Key Employee holding a License endorsed with the position of accounting officer.

(2) Cashier's Cage

(i) The Gaming Operation shall maintain a Cashier's Cage supervised by a casino key employee holding a License endorsed with the position of accounting officer. The supervisor of the Cashier's Cage shall report to the supervisor of the Gaming Operation Accounting Department and shall be responsible for the control and supervision of cage cashiers. The cashier's cage may be separated into independent operations for table Games and Gaming Devices.

(a) The Cashier's Cage shall be responsible for, without limitation, the following:

(1) The custody of coin, currency, Patron checks, Gaming chips and plaques, and documents and records normally associated with the operation of a cashier's cage;

(2) The approval, exchange, and redemption of Patron checks received for the purposes of Gaming;

(3) The receipt, distribution, and redemption of Gaming chips and plaques, and

(4) Such other functions normally associated with the operation of a cashier's cage.

(3) Surveillance Department

(i) The Gaming Operation shall have a surveillance department that is responsible for the covert monitoring of:

(a) The conduct and operation of the Gaming tables and Gaming Devices;

(b) The conduct and operation of the cashier's cage;

(c) The collection and count of the table Game and slot drop;

- (d) The movement of cash, chips and any other Gaming Operation assets;
 - (e) Detection of cheating, theft, embezzlement, and other illegal activities in the Gaming Operations;
 - (f) Detection of the presence in the Gaming room of any person who is required to be excluded;
 - (g) Video recording of illegal or unusual activities monitored;
 - (h) General overview of activities occurring in each cage and vault area;
 - (i) All areas where currency or coin may be stored or counted;
 - (j) Drop box storage rack area; and
 - (k) General overview of the activities occurring in each Gaming Device booth.
- (ii) The surveillance department shall be independent of all aspects of Gaming Operations and shall be supervised by a Gaming Operations Key Employee holding a License endorsed with the position of Director of Surveillance. The Director of Surveillance shall report to the property General Manager, or to the License holder, or to a corporate executive outside the immediate property Management team, or to another independent reporting line as approved by the Commission.
- (iii) The personnel of the surveillance department shall at all times be employees of the Gaming Operation.
- (iv) Gaming Operations shall not outsource the surveillance function to any third party.
- (v) Surveillance Department Restrictions
- (a) Gaming Operations surveillance department employees assigned to monitor Gaming activities shall be independent of all other departments. In addition to any other restrictions contained in the Act and these Regulations, no present or former surveillance department employee shall accept employment as a Key Employee, Non-Key Employee or Non-Gaming Employee with the Gaming Operation,

unless one (1) year has passed since the former surveillance department employee worked in the surveillance department. Notwithstanding the foregoing, the Commission may, upon the filing of a written petition, waive this restriction and permit the employment of a present or former surveillance department employee in a particular position after consideration of the following factors:

- (1) Whether the former surveillance department employee will be employed in a department or area of operation that the surveillance department does not monitor;
- (2) Whether the surveillance and security systems of the Gaming Operation will not be jeopardized or compromised by the employment of the former surveillance department employee in the particular position; and
- (3) Whether the former surveillance department employee's knowledge of the procedures of the surveillance department would not facilitate the commission by any person of irregularities or illegal acts or the concealment of any such actions or errors.

(vi) Surveillance System

(a) The surveillance system shall be maintained and operated from a staffed surveillance room and shall provide surveillance over Gaming areas, cashiering locations, drop routes, count rooms, money transfer routes and any other areas as may be required by the Commission.

(b) The entrance to the surveillance room shall be located so that it is not readily accessible by either Gaming Operation employees who work primarily on the casino floor, or the general public.

(c) Access to the surveillance room shall be limited to surveillance personnel, designated employees, and other persons authorized in accordance with the surveillance department policy. Such policy shall be approved by the Commission. The surveillance department shall maintain a sign-in log which shall be completed by other than surveillance personnel entering the surveillance room.

(d) Surveillance room equipment shall have total override capability over any other satellite surveillance equipment which may be located outside the surveillance room.

(e) In the event of power loss to the surveillance system, an auxiliary or backup power source shall be available and capable of providing immediate restoration of power to all elements of the surveillance system that enable surveillance personnel to observe the table Games remaining open for play and all areas covered by dedicated cameras as required by (a) above.

(f) The surveillance system shall include date and time generators that possess the capability to display the date and time of recorded events on video and/or digital recordings. The displayed date and time shall not significantly obstruct the recorded view.

(g) The surveillance department shall strive to ensure staff is trained in the use of the equipment, knowledge of the Games, the requirements of these Regulation and the policies of the Gaming Operation.

(h) Each camera required by the standards in this Section shall be installed in a manner that will prevent it from being readily obstructed, tampered with, or disabled by Patrons or employees.

(i) Each camera required by the standards in this Section shall possess the capability of having its picture displayed on a monitor and recorded. The surveillance system shall include sufficient numbers of monitors and recorders to simultaneously display and record multiple Gaming and count room activities, and record the views of all dedicated cameras and motion-activated dedicated cameras.

(j) Reasonable effort shall be made to repair each malfunction of surveillance system equipment required by the standards in this section within seventy-two (72) hours after the malfunction is discovered. The Commission shall be notified of any camera(s) that has malfunctioned for more than twenty-four (24) hours.

(k) In the event of a dedicated camera malfunction, the Gaming Operation and/or the surveillance department shall immediately provide alternative camera coverage or other security measures, such

as additional supervisory or security personnel, to protect the subject activity.

(l) The following minimum camera coverage shall be required:

1) All table Games, except as otherwise provided in Sections 1.1, 1.2, 1.3 and of this Section, the surveillance system shall provide at a minimum one (1) pan-tilt-zoom camera per two (2) tables or as alternative, one (1) dedicated camera per table and one (1) pan-tilt-zoom camera per four (4) tables, and surveillance must be capable of taping:

- i) With sufficient clarity to identify Patrons and dealers; and
- ii) With sufficient coverage and clarity to simultaneously view the table bank and determine the configuration of wagers, card values, and Game outcome.

2) All craps tables shall have two (2) dedicated cross view cameras covering both ends of the table.

3) All roulette areas shall have one (1) overhead dedicated camera covering the roulette wheel and shall also have one (1) dedicated camera covering the play of the table.

4) All big wheel Games shall have one (1) dedicated camera viewing the wheel.

5) All progressive table Games with a progressive jackpot of \$25,000 or more shall be monitored and recorded by dedicated cameras that provide coverage of:

- i) The table surface, sufficient that the card values and card suits can be clearly identified;
- ii) An overall view of the entire table with sufficient clarity to identify Patrons and dealer; and

iii) A view of the progressive meter jackpot amount. If several tables are linked to the same progressive jackpot meter, only one meter need be recorded.

6) All Gaming Devices offering a payout of more than \$250,000 shall be monitored and recorded by a dedicated camera(s) to provide coverage of:

- i) All Patrons and employees at the Gaming Device, and
- ii) The face of the Gaming Device, with sufficient clarity to identify the payout line(s) of the Gaming Device.

This requirement does not apply to any Gaming Device offering a payout of less than \$3,000,000 and monitored by a linked, on-line progressive computer system which has been approved by the Commission Chairman.

7) All in-house progressive Gaming Devices offering a base payout amount (jackpot reset amount) of more than \$100,000 shall be monitored and recorded by a dedicated camera(s) to provide coverage of:

- i) All customers and employees at the Gaming Device; and
- ii) The face of the Gaming machine, with sufficient clarity to identify the payout line(s) of the Gaming Device.

m) The surveillance system shall monitor and record a general overview of activities occurring in each cage, vault area and change booths with sufficient clarity to identify employees within the cage and Patrons and employees at the counter areas.

1) Each cashier station shall be equipped with one (1) dedicated overhead camera covering the transaction area.

2) The surveillance system shall provide an overview of cash transactions. This overview should include the Patron, the employee, and the surrounding area.

3) The cage or vault area in which fills and credits are transacted shall be monitored and recorded by a dedicated camera or motion

activated dedicated camera that provides coverage with sufficient clarity to identify:

- i) The chip values being transferred; and
 - ii) The amounts on the fill and credit slips.
 - iii) A computerized fill and credit system approved by the Commission, may be used as an alternative to the requirement of subsection (l) 3. ii. above.
- n) The surveillance system shall monitor and record with sufficient clarity all areas where currency or coin may be stored or counted.
- o) The surveillance system shall monitor and record the soft count room during the soft count process. The recording shall include:
- 1) All doors to the room;
 - 2) All table Game drop boxes and bill acceptor canisters;
 - 3) All safes, storage racks and trolleys;
 - 4) All count team personnel;
 - 5) All areas and counting surfaces where currency is sorted, stacked, counted, verified, or stored during the soft count process. The counting surface area must be continuously monitored and recorded by a dedicated camera during the soft count; and
 - 6) Audio of the soft count process.
- p) The surveillance system shall provide monitoring and recording of the table Game drop box and bill acceptor canister trolleys, storage racks or area by either a dedicated camera or a motion-detector activated camera.
- q) All video recordings and/or digital records of coverage provided by the dedicated cameras or motion-activated dedicated cameras required by this Section shall be retained for a minimum of seven (7) days.
- r) Recordings involving suspected or confirmed Gaming crimes, unlawful activity, or detentions by security personnel, must be retained for a minimum of thirty (30) days.
- s) Duly authenticated copies of video recordings and/or digital records

shall be provided to the Commission and/or, prosecutors, Federal or other law enforcement upon request.

t) A video library log, or comparable alternative procedure approved by the Commission, shall be maintained to demonstrate compliance with the storage, identification, and retention standards required in this section.

u) Surveillance personnel shall maintain a log or alternative procedure approved by the Commission that documents each malfunction and repair of the surveillance system as defined in this section.

1) The log shall include the time, date, and nature of each malfunction, the efforts expended to repair the malfunction, and the date of each effort, the reasons for any delays in repairing the malfunction, the date the malfunction is repaired, and where applicable, any alternative security measures that were taken.

v) Surveillance personnel shall maintain a daily log of all surveillance activities. The log shall be maintained by surveillance room personnel and shall be stored securely within the surveillance department.

1) At a minimum, the following information shall be recorded in a surveillance log:

- i) Date;
- ii) Time surveillance commenced and terminated;
- iii) Activity observed or performed; and
- iv) The name or License credential number of each person who initiates, performs, or supervises the surveillance.

2) Surveillance personnel shall also record a summary of the results of the surveillance of any suspicious activity. This summary may be maintained in a separate log which shall include at a minimum the information required in the surveillance log.

3) A copy of the log shall be provided daily to the Commission.

4. Security Department

(a) The Gaming Operation shall have a security department that is responsible for the overall security of the facility including, without limitation, the following:

- (i) The physical safety of Patrons and employees in the casino;
- (ii) The physical safeguarding of assets transported to, from, or through the casino;
- (iii) The protection of Patrons, employees and casino property from illegal activity;
- (iv) The detainment of individuals when there is probable cause to believe that they are in violation of the law or these Regulations;
- (v) The recordation of any and all unusual occurrences including the date, time, nature of the incident, persons involved in the incident, and the assigned Security Department personnel;
- (vi) The identification and removal of any person who is required to be excluded pursuant to Chapter 11.

(b) The Security Department shall be supervised by a Gaming Operations Key Employee holding a License endorsed with the position of Director of Security.

(c) The personnel of the Security Department shall be prohibited from carrying firearms.

(d) The personnel of the security department who participate in any aspect of the Gaming Operation shall at all times be employees of the Gaming Operation.

(e) Nothing in this subsection shall prohibit the Gaming Operation from utilizing outside vendors for hotel security functions.

5. Table Games Department

(a) The Gaming Operation shall have a Table Games Department responsible for the conduct of the table Games in accordance with the established rules of the Games, as well as the minimum internal control standards.

(b) The Table Games Department shall be supervised by a Management-level employee who ensures that there is sufficient supervision, knowledge and training within the department to provide for the proper and fair conduct of the Games.

(c) The supervisor of the Table Games Department shall be a Gaming Operations Key Employee holding a License granted by the Gaming Commission.

6. Slot Department

(a) The Gaming Operation shall have a slot department responsible for all aspects of the operation of the Gaming Devices.

(b) The department shall be supervised by a Management-level employee who ensures that there is sufficient supervision, knowledge and training within the department to provide for proper and effective operation of the Gaming Devices.

(c) The supervisor of the slot department shall be a casino Key Employee holding a License granted by the Gaming Commission.

(d) The slot department shall be responsible for the control and supervision of slot cashiers and change persons.

7. Internal Audit Function

(a) The Gaming Operation shall maintain an Internal Audit Function either through a separate on-site department, or through the use of Corporate Internal Audit or through the outsourcing of this function. The Internal Audit Function shall be responsible for, without limitation, the following:

(1) Internal audit personnel shall perform audits of all major Gaming areas of the Gaming Operation consistent with the NIGC MICS;

(2) Reviewing and appraising the adequacy of internal controls.

(3) Ensuring compliance with internal controls through observations, interviews and review of accounting documentation;

(4) Reporting instances of non-compliance with the system of

internal controls;

(5) Reporting of any material weaknesses in the system of internal controls; and

(6) Recommending improvements in the system of internal controls.

(b) The personnel of the Internal Audit Function shall be independent of the areas subject to audit.

(c) If maintained in-house, the Internal Audit Function shall be supervised by a Gaming Operations Key Employee having a License granted by the Gaming Commission.

(d) The Internal Audit Function shall maintain its independence through an organizational reporting line that is outside the Management of the Gaming Operation. The director of the function shall report directly to the License holder, the general manager of the property, a corporate executive outside the property, or to an independent audit committee.

(e) The method by which the Gaming Operation fulfills its requirements with respect to the Internal Audit Function shall be described in the Gaming Operation's written table of organization.

(f) Documentation (e.g., checklists, programs, reports, etc.) shall be prepared to evidence all internal audit work performed as it relates to the requirements in this section, including all instances of noncompliance.

(g) The Internal Audit Function shall operate with audit programs, which, at a minimum, address the Minimum Internal Control Standards. Additionally, the function shall properly document the work performed, the conclusions reached, and the resolution of all exceptions. All such working papers and documentation shall be retained for a minimum of five (5) years.

(h) Reports documenting audits performed shall be maintained for a minimum of five (5) years and shall be provided to the Commission when issued. Such audit reports shall include the following information:

(1) Audit objectives;

- (2) Audit procedures and scope;
 - (3) Findings and conclusions;
 - (4) Recommendations, if applicable; and
 - (5) Management's response.
- (i) All material exceptions resulting from internal audit work shall be investigated and resolved with the results of such being documented and retained for a minimum of five (5) years.
 - (j) Internal audit findings shall be reported to Management.
 - (k) Management shall be required to respond to internal audit findings stating corrective measures to be taken to avoid recurrence of the audit exception. Such Management responses shall be included in the internal audit report that will be delivered to Management, the audit committee, the Commission upon request, or any other entity designated by the Gaming Operation.

8. Management Information Systems (MIS) Department

- (a) The Gaming Operation shall maintain an MIS Department which shall be responsible for the quality, reliability, and accuracy of all computer systems used in the operation.
- (b) The MIS Department shall be responsible for, without limitation, the specification of appropriate computer software, hardware, and procedures for security, physical integrity, business continuity, and maintenance of:
- (c) Access codes and other data-related security controls used to ensure appropriately limited access to computers and the system-wide reliability of data;
- (d) Computer tapes, disks, or other electronic storage media containing data relevant to casino operations; and
- (e) Computer hardware, communications equipment and software used in the conduct of casino operations.
- (f) The MIS Department shall be supervised by a Gaming Operation Key Employee holding a License granted by the Gaming Commission.

9. Credit Department

A credit department supervised by a person referred to herein as a credit manager. The credit department shall be responsible for the credit function including, without limitation, the following:

- i. The verification of Patron credit references;
- ii. The establishment of Patron credit limits; and
- iii. The maintenance, review and update of the Patron's credit files.

Section 4.03 Forms, Records and Document.

(a) All information required by this Section to be placed on any form, record, or document and in stored data shall be recorded on such form, record, or document and in stored data in ink or other permanent form.

(b) Unless otherwise specified in this Section or exempted by the Commission, all forms, records, documents, and stored data required to be prepared, maintained, and controlled by this Section shall:

- (1) Be in a form prescribed or authorized by the Commission; and
- (2) Have the name of the establishment and the title of the form, record, document, and stored data imprinted or preprinted thereon or therein.

(c) Nothing in this Section shall be construed as prohibiting or discouraging a Gaming Operation from preparing more copies of any form, record, or document than that prescribed by this Section.

(d) For any computer applications utilized, alternate documentation and or procedures that described by the standards in this Section as approved by the Commission shall be acceptable.

Section 4.04 Record Retention Requirements.

(a) For purposes of this Section, "records" shall be defined as any book, record or document pertaining to, prepared in or generated by the operation of a Gaming Operation, without regard to the medium in which the record is generated or maintained (paper, computer-generated, magnetic media, etc.).

(b) All original books, records and documents pertaining to the conduct of wagering activities shall be retained by a Gaming Operation in accordance with a schedule. A record that summarizes Gaming transactions is sufficient, provided that all documents containing an original signature(s) attesting to the accuracy of a Gaming-Related transaction are independently preserved. Original books, records or documents shall not include copies of originals, except for copies that contain original comments or notations on parts of multi-part forms. The following original books, records and documents shall be retained by a Gaming operation for a minimum of five (5) years:

- (1) Cashier's cage documents;
- (2) Documentation supporting the calculation of table Game win;
- (3) Documentation supporting the calculation of Gaming Device win;
- (4) Documentation supporting the calculation of revenue of all other Gaming activities offered by the Gaming Operation;
- (5) Table Games statistical analysis reports;
- (6) Gaming machine statistical analysis reports;
- (7) Bingo, pull-tab, keno and pari-mutuel wagering statistical reports;
- (8) Internal audit documentation and reports;
- (9) Documentation supporting the write-off of Gaming credit instruments and named credit instruments; and
- (10) All other books, records and documents pertaining to the conduct of wagering activities that contain original signature(s) attesting to the accuracy of the Gaming-related transaction.

(c) Gaming vouchers redeemed at Gaming Devices and which have been verified and electronically cancelled by the Gaming voucher system shall be retained by a Gaming Operation for a minimum of seven (7) days and may be destroyed without the notice unless the Commission directs otherwise.

(d) The following original books, records and documents shall be retained by a Gaming Operation for a minimum of (90) days and may be destroyed without

the notice unless the Commission directs otherwise:

(1) Documents relating to promotions, such as entry forms and Game tickets; and

(2) Gaming vouchers redeemed at any location other than a Gaming Device and which have been verified and electronically cancelled by the Gaming voucher system;

(e) The following original books, records and documents shall be retained by a Gaming Operation for a minimum of six (6) months and may be destroyed without notice unless the Commission directs otherwise:

1) Coupons entitling Patrons to cash, slot tokens, Gaming chips, progressive wager coupons or match play coupons, including unused, voided and redeemed coupons.

(2) All records shall be held immediately available for inspection by the Commission or their authorized agents.

(f) Unless otherwise specified in this part, all other books, records, and documents shall be retained until such time as the accounting records have been audited by the Gaming Operation's independent certified public accountants.

(g) At the casino operator discretion, original books, records and documents may be scanned or directly stored to unalterable media with the following conditions:

1. The storage media must contain the exact duplicate of the original document.

2. All documents stored must be maintained with a detailed index containing the casino department and date. This index must be available upon Commission request.

3. Upon request by Commission, hardware (terminal, printer, etc.) must be provided in order to perform audit procedures.

4. Controls must exist to ensure the accurate reproduction of records, up to and including the printing of stored documents used for audit purposes.

5. At least quarterly, accounting/audit personnel shall review a sample of the documents on the storage media to ensure the clarity and completeness of the stored documents.

(h) If source documents and summary reports are stored on re-writeable storage media, the media may not be relied upon for the performance of any audit procedures, and the original documents and summary reports must be retained.

(i) All records shall be held immediately available for inspection by the Commission or their authorized agents.

(j) No records, unless provide by these Regulations (other than those scanned or recorded electronically) shall be destroyed without requesting in writing to, and receiving approval from, the Commission. The request shall include in detail, a list of the records that the Gaming Operator is requesting to destroy.

Section 4.05 Table Games.

4.05 (A) Table Inventory.

(a) Each table Game opened for play shall have attached to it a table tray, which shall have the table inventory of chips and coin used for Gaming. The table tray shall have a clear locking cover which shall be clearly marked on the outside with the Game and the Gaming table number to which it corresponds. All table trays when not in use shall be stored either in the cashier's cage or secured to the Gaming table and the cover locked. If the table trays are stored on the Gaming table, adequate security, as approved by the Commission, shall be provided. At the close of each shift, the table inventory shall be counted and recorded on a Table inventory form.

(1) The keys to the locked table trays shall be maintained and controlled by the table Games department in a secure place and shall at no time be made accessible to any cashier's cage personnel or to any person responsible for transporting such table inventories to or from the Gaming tables.

(b) Table inventory forms shall at a minimum be a two part form. One part of the form shall have "Opener" pre-printed on it, and the other part shall have

“Closer” pre-printed on it.

(c) If the table trays are maintained on an imprest basis, a final fill or credit shall be made to bring the table bank back to par prior to closing the table and completing the table inventory form.

(d) The following information shall be recorded on a table inventory form:

- (1) Date and shift;
- (2) Table Game identifier;
- (3) The table’s chip and coin inventory; and
- (4) Signature of the outgoing dealer and outgoing pit supervisor attesting to the accuracy of the inventory form. If the dealer is not available, such verification may be provided by another pit supervisor or another supervisor from another Gaming department who shall sign the form attesting to the accuracy of the information recorded thereon.

(e) After obtaining the required signatures, the “Closer” shall be placed in the drop box by a person other than a pit supervisor. The “Opener” shall be secured in the table tray, which shall be locked. The information on the table inventory form shall be visible from the outside of the container.

(f) Whenever a table Game is opened, the dealer and pit supervisor shall remove the “Opener” form the table tray and verify the count recorded on the form to the table bank inventory. If the count is correct, the dealer and pit supervisor shall sign the “Opener” attesting to the accuracy of the information recorded thereon.

(1) If a discrepancy exists between the “Opener” and the table bank inventory, the pit supervisor shall notify Surveillance and complete a one part Table Inventory Discrepancy form. The form shall include the following:

- (i) Date and shift of preparation;
- (ii) Date and shift recorded on the “Opener”;
- (iii) Nature of the discrepancy; and

- (iv) Signature of the pit supervisor completing the form.
- (2) After signing the form, the pit supervisor shall place the form in the drop box.
- (g) After obtaining the required signatures, the “Opener” shall be placed in the drop box by a person other than a pit supervisor.
 - (h) If final fills or credits are not made, beginning and ending inventories shall be recorded on the master Game sheet for shift win calculation purposes.

4.05 (B) Table Fill Procedures.

- (a) Whenever chips are distributed to a table Game from the cage, a fill slip shall be prepared by a chip bank cashier, or if computer prepared by a chip bank cashier or pit supervisor. Fills shall be at minimum triplicate, serially pre-numbered forms, each series of fills shall be used in sequential order, and the series numbers of all fills received by the casino shall be accounted for by employees with no incompatible functions. All original and duplicate void Fills shall be marked "VOID" and require the signature of the preparer and the signature of one other person independent of the transaction and shall be submitted to the accounting department for retention and accountability.
- (b) Un-issued and issued Fill slips shall be safeguarded and adequate procedures shall be employed in their distribution, use, and control. Personnel from the cashier or pit departments shall have no access to the secured (control) copies of the Fill slips.
- (c) A Fill shall be authorized by pit supervisory personnel using a two-part request form (Request). Access to the Request prior to use shall be restricted to pit supervisory personnel. If the Fill slip is computer prepared, and the input of the data to generate the Fill is restricted to pit supervisory personnel, then the use of the access to the Request may be ignored.

(d) On the original and duplicate request, the following information, at a minimum, shall be recorded:

- (1) The date and time, or shift of preparation;
- (2) The denomination of Gaming chips, coins and plaques to be distributed to the Gaming tables;
- (3) The total amount of each denomination of Gaming chips, coins and plaques to be distributed to the Gaming table;
- (4) The Game and table number to which the Gaming chips, coins and plaques are to be distributed; and
- (5) The signature of the pit supervisor.

(e) After preparation of the Request, the original copy of such Request shall be transported directly to the cashier's cage.

(f) The duplicate copy of the Request shall be placed by the dealer or boxman in public view on the Gaming table to which the Gaming chips, coins and plaques are to be received. Such duplicate Request shall not be removed until the chips, coins and plaques are received at which time the Request and fill are deposited in the drop box.

(g) If the Fill is manually prepared, the following procedures and requirements shall be observed:

- (1) Fill slips shall be in at least triplicate form, and in a continuous, prenumbered series. Such slips shall be concurrently numbered in a form utilizing the alphabet and only one series at a time. The alphabet need not be used if the numerical series is not repeated during the business year.
- (2) Each series of Fills shall be inserted in a locked dispenser that will permit an individual slip in the series and its copies to be written upon simultaneously while still locked in the dispenser, and that will discharge the original and duplicate

while the triplicate remains in a continuous, unbroken form in the dispenser.

(3) Access to the triplicates shall be maintained and controlled at all times by employees responsible for controlling and accounting for the unused supply of Fills, placing Fills in the dispensers, and removing from the dispensers, each, the triplicates remaining therein. These employees shall have no incompatible functions.

(h) For Gaming Operations in which Fills are computer-prepared each series of Fills shall be a two-part form, at a minimum, and shall be inserted in a printer that will: simultaneously print an original and a duplicate and store, in machine-readable form, all information printed on the original and duplicate. The stored data shall not be susceptible to change or removal by any personnel after preparation of a Fill.

(i) On original, duplicate, and triplicate copies of the Fill, or in stored data, the preparer shall record, at a minimum, the following information:

- (1) The denomination of the Gaming chips, coins and plaques being distributed;
- (2) The total amount of each denomination of Gaming chips, coins and plaques being distributed;
- (3) The total amount of all denominations of Gaming chips, coins and plaques being distributed;
- (4) The Game and table number to which the Gaming chips, coins and plaques are being distributed;
- (5) The date and shift during which the distribution of Gaming chips, coins and plaques occurs; and
- (6) The signature of the preparer or, if computer prepared, the identification code of the preparer.

(j) The time of preparation of the Fill shall be recorded at a minimum, on the original and duplicate upon preparation.

(k) Chips, tokens, and/or other cash equivalents distributed to the Gaming tables from the cashier's cage shall be transported directly to the Gaming tables from the cashier's cage by a person who is independent of the cage or pit, who shall agree the Request to the Fill and sign the original copy of the Request, maintained at the cashier's cage, before transporting the Gaming Chips, coins and plaques and the original and duplicate copies of the Fill for signature.

(l) Signatures attesting to the accuracy of the information contained on the Fills shall be, at a minimum, of the following personnel at the following times:

(1) The original and the duplicate:

(i) The chip bank cashier upon preparation;

(ii) The security department member transporting the Gaming chips, coins and plaques to the Gaming table upon receipt from the cashier of the Gaming chips, coins and plaques to be transported;

(iii) The dealer or box man assigned to the Gaming table upon receipt at such table from the security department member of Gaming chips, coins and plaques after breaking down and verifying the fill in public view and placing the fill in the table tray; and

(iv) The pit supervisor assigned to the Gaming table upon receipt of the Gaming chips, coins and plaques at such table.

(m) Upon meeting the signature requirements as described in subsection (l) of this Section, the security department member that transported the Gaming chips, coins and plaques and the original and duplicate copies of the Fill to the table shall observe the immediate placement by the dealer or box man of the duplicate Fill and the duplicate Request in the drop box attached to the Gaming table to

which the Gaming chips, coins and plaques were transported and return or observe the return of the original Fill to the chip bank where the original Fill and Request shall be maintained together and controlled by employees independent of the casino department.

(n) The original and duplicate void Fills, the original Request, and the original Fill, maintained and controlled in conformity with subsection (m) above, shall be forwarded to the accounting department for agreement, on a daily basis, with the duplicate Fill and duplicate Request removed from the drop box and the triplicate or stored data.

4.05 (C) Table Credit Procedures.

(a) Whenever chips are removed from a table Game from the cage, a credit slip (Credit) shall be prepared by a chip bank cashier, or if computer prepared by a chip bank cashier or pit supervisor. Credits shall be at minimum triplicate, serially pre-numbered forms, each series of Credits shall be used in sequential order, and the series numbers of all Credits received by the casino shall be accounted for by employees with no incompatible functions. All original and duplicate void Credits shall be marked "VOID" and require the signature of the preparer and the signature of one other person independent of the transaction and shall be submitted to the accounting department for retention and accountability..

(b) Un-issued and issued Credit slips shall be safeguarded and adequate procedures shall be employed in their distribution, use, and control. Personnel from the cashier or pit departments shall have no access to the secured (control) copies of the Credit slips.

(c) A Credit shall be authorized by a pit supervisor using a two-part request form (Request). Access to the Request prior to use shall be restricted to pit supervisory personnel. If the Credit slip is computer prepared, and the input of

the data to generate the Credit is restricted to pit supervisory personnel, then the use of the Request may be ignored.

(d) On the original and duplicate Request, the following information, at a minimum, shall be recorded:

- (1) The date and time, or shift of preparation;
- (2) The denomination of Gaming chips, coins and plaques to be removed from the Gaming table;
- (3) The total amount of each denomination of Gaming chips, coins and plaques to be removed from the Gaming table;
- (4) The Game and table number from which the Gaming chips, coins and plaques are to be removed; and
- (5) The signature of the pit supervisor.

(e) After preparation of the Request, the original copy of such Request shall be transported directly to the cashier's cage.

(f) The duplicate copy of the Request shall be placed by the dealer or box man in public view on the Gaming table from which the Gaming chips, coins and plaques are to be disbursed. Such duplicate Request shall not be removed until the chips, coins and plaques are removed from the table, at which time the Request and Credit are deposited in the drop box.

(g) If the Credit is manually prepared, the following procedures and requirements shall be observed:

- (1) Each series of Credits shall be a three-part form, at a minimum, and shall be inserted in a locked dispenser that will permit an individual slip in the series and its copies to be written upon simultaneously while still locked in the dispenser, and that will discharge the original and duplicate while the triplicate remains in a continuous, unbroken form in the dispenser.

(2) Access to the triplicates shall be maintained and controlled at all times by employees responsible for controlling and accounting for the unused supply of Credits, placing Credits in the dispensers, and removing from the dispensers, each, the triplicates remaining therein. These employees shall have no incompatible functions.

(h) For establishments in which Credits are computer-prepared each series of Credits shall be a two-part form, at a minimum, and shall be inserted in a printer that will: simultaneously print an original and a duplicate and store, in machine-readable form, all information printed on the original and duplicate. The stored data shall not be susceptible to change or removal by any personnel after preparation of a Credit.

(i) On original, duplicate, and triplicate copies of the Credit, or in stored data, the preparer shall record, at a minimum, the following information:

- (1) The denomination of the Gaming chips, coins and plaques being removed from the table;
- (2) The total amount of each denomination of Gaming chips, coins and plaques being removed;
- (3) The total amount of all denominations of Gaming chips, coins and plaques being removed;
- (4) The Game and table number from which the Gaming chips, coins and plaques are being removed;
- (5) The date and shift during which the removal of Gaming chips, coins and plaques occurs; and
- (6) The signature of the preparer or, if computer prepared, the identification code of the preparer.

(j) The time of preparation of the Credit shall be recorded at a minimum, on the original and duplicate upon preparation.

(k) Chips, tokens, and/or other cash equivalents shall be removed from the table tray by the dealer or box person and shall be broken down and verified by the dealer or box person in public view prior to placing them in racks for transfer to the cage.

(l) The original and duplicate parts of the credit slip shall be transported to the pit by a person (runner) independent of the cage or pit. After signatures of the runner, dealer, and pit supervisor are obtained, the duplicate shall be deposited in the table Game drop box by the dealer and the original shall be transported with the Gaming chips, tokens, and/or other cash equivalents from the pit to the cage by a person (runner) independent of the cage or pit for verification and signature of the cashier on the original Credit.

4.05 (D) Table Game and Gaming Device Drop and Count Procedures.

(a) The table Game drop box count and Gaming device bill acceptor canister count shall be performed in a soft count room.

(b) Access to the count room during the count shall be restricted to members of the drop and count teams, with the exception of authorized observers, supervisors for resolution of problems, and authorized maintenance personnel. A Commission representative may be present in the count room.

(c) The table Game drop box count and Gaming device bill acceptor canister count shall be conducted independently of each other to prevent the commingling of funds.

(d) The table Game drop box count and the Gaming device bill acceptor canister count shall be performed by a minimum of three employees. If the count team

consists of only three employees, they shall be rotated on a routine basis such that the count team is not consistently the same three persons more than four (4) days per week.

(e) Count room personnel shall not be allowed to exit or enter the count room during the count except for emergencies or scheduled breaks. At no time during the count, shall there be fewer than three (3) employees in the count room until the drop proceeds have been accepted into cage/vault accountability. Surveillance shall be notified before a table drop commences. Only count team members shall be allowed access to table Game drop box content keys during the count process.

(f) The count team shall be independent of transactions being reviewed and counted. The count team shall be independent of the cage/vault departments, however, a dealer or a cage cashier may be used if this person is not allowed to perform the recording function. An accounting representative may be used if there is an independent audit of all soft count documentation.

(g) The table Game drop boxes and Gaming Device bill acceptor canisters shall be individually emptied and counted in such a manner to prevent the commingling of funds between boxes until the count of the box has been recorded.

(h) Table Game drop boxes and Gaming Device bill acceptor canisters, when empty, shall be shown to another member of the count team, and surveillance.

(i) The count of each box shall be recorded in ink or other permanent form of recordation.

(j) After counting the contents of each box, the funds shall be passed to an employee who did not perform the initial count, who shall count the funds a second time without having access to the value of the first count.

(k) The second count shall be compared to the first count. If they do not agree, the difference shall be reconciled.

(l) Corrections to information originally recorded by the count team on soft count documentation shall be made by drawing a single line through the error, writing the correct figure above the original figure, and then obtaining the initials of at least two count team members who verified the change.

(m) If cash counters are utilized and the count room table is used only to empty boxes and sort/stack contents, a count team member shall be able to observe the loading and unloading of all cash at the cash counter, including rejected currency.

(n) Table drop box copies of table fills, table credits, openers, closers and markers shall be traced to or recorded on the count sheet.

(o) The count sheet shall be reconciled to the total drop by a count team member who shall not function as the sole recorder.

(p) All members of the count team shall sign the count document or a summary report to attest to their participation in the count.

(q) All drop proceeds that were counted shall be turned over to a cage cashier who shall be independent of the count team. Prior to having access to the value of the funds counted by the soft count team, the cage cashier shall conduct a bulk count of the soft count drop and compare the bulk count to the soft count. All differences shall be reconciled prior to the cage cashier and count team leaving the count room.

(r) After agreeing the counts, the cage cashier shall sign the count sheet and transport the funds to the cashier cage.

(s) The count sheet, with all supporting documents, shall be delivered to the accounting department by a count team member or a person independent of the cashier's department. Alternatively, it may be adequately secured (e.g., locked canister to which only accounting personnel can gain access) until retrieved by the accounting department.

4.05 (E) Table Game Drop.

(a) The table Game drop shall be performed by two persons, at least one of whom is independent of the Gaming shift being dropped. The setting out of empty table Game drop boxes and the drop shall be a continuous process, except, however, the operator may place empty table Game drop boxes in front of the tables prior to the commencement of the table Game drop process.

(b) At the end of each shift:

(1) All locked table Game drop boxes shall be removed and a separate drop box shall be placed on each table opened at any time during each shift by a person independent of the pit shift being dropped.

(2) Upon removal from the tables, table Game drop boxes shall be transported directly to the count room and locked in a secure manner until the count takes place.

(3) If drop boxes are not placed on all tables, then the table Games department shall document which tables were open during the shift.

(4) When not in use, empty table Game drop boxes shall be stored in a locked trolley in the count room. The key to the trolley shall be maintained by the Security department, and access to the key shall be restricted to the persons authorized to remove table Game drop boxes during the drop and count team members during the count. A log shall be maintained by the custodian of sensitive keys to document authorization of personnel accessing keys.

Security department documenting the issuance and return of the trolley key.

(5) The involvement of at least two persons independent of the department that is custodian of the keys shall be required to access stored empty table Game drop boxes.

(6) At least three count team members are required to be present at the time the count room and other count keys are issued for the count.

(7) The table Game soft count and the Gaming machine bill acceptor count shall be performed by a minimum of three employees. Count team members shall be rotated on a routine basis such that the count team is not consistently the same three persons more than four days per week. This standard shall not apply if Gaming operations utilizes a count team of more than three persons.

(8) Surveillance shall be notified when the drop is to begin so that surveillance may monitor the activities.

(c) Each table Game drop box shall have:

(1) Permanently imprinted or impressed thereon, a number corresponding to a permanent number on the Gaming table and marked to indicate Game, table number, and shift, except that emergency drop boxes may be maintained without such number or marking, provided the word “emergency” is permanently imprinted or impressed thereon and, when put into use, are temporarily marked with the number of the Gaming table and identification of the Game and shift;

(2) A slot opening through which currency, coins, forms, records, and documents can be inserted into the drop box which shall automatically lock when the drop box is removed from the table;

(3) A key securing the contents of the drop box and a key to release the drop box from the table. The release key shall be keyed separately from the contents key. The following shall apply to the keys:

(i) Only the person(s) authorized to remove table Game drop boxes from the tables shall be allowed access to the table Game drop box release keys; however, the count team members may have access to the release keys

- during the soft count in order to reset the table Game drop boxes;
- (ii) Persons authorized to remove the table Game drop boxes shall be precluded from having simultaneous access to the table Game drop box contents keys and release keys;
 - (iii) The drop box release key and drop box contents key shall be maintained by the Security Department which department shall be independent of the Table Games Department;
 - (iv) Access to the table Game drop box contents key at other than scheduled count times shall require the involvement of at least three persons from separate departments, including Management. The reason for access shall be documented with the signatures of all participants and observers.
 - (v) A log shall be maintained by the custodian of sensitive keys to document authorization of personnel accessing keys.
 - (vi) When access to a table Game drop box is required at a time other than the scheduled drop, the date, time, and signature of employee signing out/ in the release key must be documented.
- (d) Procedures shall be developed and implemented to insure that unauthorized access to empty table Game drop boxes shall not occur from the time the boxes leave the trolley until they are placed on the tables.
- (e) When table Game drop boxes are transported to and from the count room, they shall be transported in the trolley by the person(s) referenced in section (a) above. The requirement of transporting drop boxes in the trolley may be waived when an emergency drop box is transported to the Gaming table in accordance with emergency drop box procedures approved by the Commission.
- (f) Access to stored, full table Game drop boxes shall be restricted to authorized members of the drop and count teams.

Section 4.06 Bill Validator; Bill Acceptor Canister.

(a) If a Gaming device has a bill validator, it shall be so noted on the Master List of Approved Gaming Devices. Included on the Master List of Approved Gaming Devices shall be:

- (1) The name of the manufacturer of the bill validator;
- (2) If applicable, the version of the software program that controls the software program.

(b) If a Gaming Device has a bill validator that is controlled by a software program which may be modified without replacing any physical element of the bill changer (for example, by downloading software to the storage medium on which the bill changer control program is stored) the Gaming Operator shall submit for review and approval internal controls which shall address, at a minimum, the following:

- (1) The method for detecting authorized and unauthorized software changes;
- (2) If a Gaming device monitoring system can detect software changes, it shall immediately document the software change therein. A daily report of the changes generated from the Gaming Device monitoring system shall be prepared. If the system cannot detect changes, the Gaming operator shall develop procedures, as approved by the Commission, to periodically test the validity of the software, which shall include a report of the results of the test. (The generation of a daily report from its Gaming Device monitoring system which immediately documents the software change);
- (3) Procedures for the control and installation of the software by the Slot Department;
- (4) The creation of a software control log by the (MIS) Slot Department evidencing all authorized changes to the bill validator software; and
- (5) The review and comparison of the report and log required above by Slot Department for any deviations and investigation.

- (c) Each bill validator in the casino shall contain a secure container approved for such use by the Commission, known as the bill acceptor canister, in which all the cash, vouchers and coupons inserted into the bill validator shall be deposited.
- (d) Each bill acceptor canister shall:
- (1) Have imprinted or impressed thereon, a number which corresponds to the number of the Gaming Device.
 - (2) If the Gaming Operator has more than one set of bill acceptor canisters, each set shall have markings which distinguish one set from the other.
 - (i) Excepted from the requirements of subsection (b) (1) and (2) above are emergency bill acceptor canisters which shall be denoted as “Emergency” and when in use, the number of the Gaming device in which the canister is being inserted.
 - (3) Notwithstanding (d) (1) and (2) the above, a Gaming operator who uses a computerized Gaming Device monitoring system may use bill acceptor canisters and any related components, which shall, through the use of technology approved by the Commission, comply with the following:
 - (i) Have a unique identifier number assigned to each bill acceptor canister.
 - a) Such number shall not be subject to change without the approval of the Commission; and
 - b) The Gaming operator shall provide the Commission with a list of the unique identifier numbers.
 - (ii) Associate in the Gaming Device monitoring system, the bill acceptor canister with the Gaming Device the bill acceptor canister is inserted into;
 - a) Such association shall remain with the Gaming Device until the completion of the soft count process;
 - (iii) Provide the Commission and the Gaming Operator with a method to determine the unique identifier number of the bill acceptor canister;
 - (iv) Have one (1) separate lock securing the contents of the bill acceptor

canister, the key to which shall be different from any keys used to lock the Gaming Device compartments, including the compartment which houses said bill acceptor canister.

(v) Be located in an area which shall be secured by one (1) lock, the key to which shall be different from the key which secures the contents of the bill acceptor canister and any keys used to lock the other compartments of the Gaming Device which are controlled by the Gaming Establishment. The key for the lock that secures the area where the bill acceptor canister is stored shall be maintained and controlled by a department independent of the drop and count process.

a) Access to the key securing the contents of the bill acceptor canister shall require two employees from different departments, with the exception of the count team.

b) Access to the bill acceptor canister contents key at other than scheduled count times shall require the involvement of at least two persons from separate departments, one of whom must be a supervisor. The reason for access shall be documented with the signatures of all participants and observers on a key log maintained by the custodian of the keys to document authorization of personnel accessing keys, which shall include the date and time of access and return.

c) Only the count team members shall be allowed access to bill acceptor canister contents keys during the count process.

(vi). Have a slotted opening through which currency, vouchers or coupons are automatically inserted into the bill acceptor canister box;

(vii). Have a mechanical arrangement or device which prevents the removal of currency from the slot opening when the bill acceptor canister box is removed from the bill validator; and

(viii). Be completely closed, except for such openings as may be necessary for the operation of the bill validator or the bill acceptor canister box;

provided, however, that the location and size of such openings shall not affect the security of the bill acceptor canister box, its contents or the bill validator.

(e) Unless otherwise authorized by the Commission, each Gaming Device with a bill validator attached shall also be equipped with the following mechanical, electrical or electronic devices:

- (1) A "cash box" meter that continuously and automatically registers the total amount in dollars (units) accepted by the bill validator; and
- (2) A number of "bill meters," that continuously and automatically count, for each denomination of currency accepted by the bill validator, the actual number of bills accepted by the bill validator.
- (3) Such other meters as may be required by the Commission.

Section 4.07 Cage Operations Standards.

(a) Cage Characteristics.

(1) The Gaming Operation shall have on or immediately adjacent to the Gaming Operations floor, a physical structure known as the casino cage to house the cashiers and the custody of the cage inventory of:

- (i) Currency and coins;
- (ii) House chips, including reserve chips;
- (iii) Personal checks, cashier's checks, counter checks, and traveler's checks for deposit;
- (iv) Customer deposits;
- (v) Chips on Gaming tables;
- (vi) Hopper loads (coins put into machines when they are placed in service), if hoppers are used;
- (vii) Fills and Credits (these documents shall be treated as assets and liabilities, respectively, of the cage during a business day. When win or loss is recorded at the end of the business day, they are removed from the accountability); and

- (viii) Forms, documents and records associated with the operation of the cage.
- (2) The cage shall be designed and constructed to provide maximum security for the materials housed and the activities performed therein. The cage shall:
 - (i) Be fully enclosed except for openings through which materials such as Gaming chips and plaques, slot tokens, Patron checks, cash, records, and documents can be passed to service the public, Gaming tables, and slot booths; and
 - (ii) Contain a silent alarm system for the cage, its ancillary office space and vault that shall be connected directly to the monitoring room of the Surveillance Department and the Gaming Operations security department dispatch office.
- (3) In addition, the cage shall be secured by a double door entry and exit system (mantrap) that shall not permit a person to pass through the second door until the first door is securely locked;
 - (i) The first door adjacent to the Gaming Operations floor of the double door entry and exit system shall be controlled by the Gaming Operations security and cage department. The second door of the double door entry and exit system shall be controlled by only the cage department;
 - (ii) Locks on each door of the double door entry and exit system shall be keyed differently from each other; and
 - (iii) The system shall have closed circuit television coverage which shall be monitored by the Gaming Operations security department or surveillance department.
- (4) The casino Licensee may also have one or more "satellite cages" separate and apart from the cashier's cage, but in or adjacent to a Gaming Operations established to maximize security, efficient operations, or Patron convenience and comfort and designed and constructed in accordance with the requirements for the cashier's cage. A satellite cage may perform any or all of the functions of the cashier's cage. The functions which are conducted in a satellite cage shall be subject to the applicable accounting controls set forth in this Section.

(b) Computer Applications.

For any computer applications utilized, alternate documentation and/or procedures that provide at least the level of control described by the standards in this Section, as approved by the Commission shall be acceptable.

(c) Accounting Controls for the Casino Cashier's Cage.

(1) The casino cage shall be responsible for assets maintained therein and shall include, but not be limited to, functions that pertain to:

- (i) Transactions with Patrons (i.e., exchange cash for chips, cash checks, accept customer deposits, redemption of slot vouchers);
- (ii) Transactions with other Games departments: table, slot, keno, (i.e. hopper fills, jackpot payouts, table fills, table credits);
- (iii) Preparing credit applications and verifying information therein;
- (iv) Preparing bank deposits;
- (v) Accepting coin and currency count from the count rooms;
- (vi) Receiving wire transfer notifications;
- (vii) Exchanges among cage accountabilities for chips, checks and coin;
- (viii) Preparing overall cage reconciliations; and
- (ix) Preparing supporting documentation along with signatures of participants for effective segregation and authorization of cage functions.

(2) Signatures attesting to the accuracy of information contained on Cashier's count sheets shall be, at a minimum, signatures of incoming and outgoing cashiers following preparation of Cashier's Count Sheets.

(3) At the end of each Gaming day, at a minimum, a copy of Cashier's Count Sheets and related documentation shall be forwarded to the casino accounting department for agreement of opening and closing inventories, agreement of amounts thereon to other forms, records, and documents required by this Section, and recording of transactions.

(d) Personal Checks, Cashier's Checks, Payroll Checks, Travelers' Checks and Counter Checks.

For personal checks, cashier checks, payroll checks, travelers' checks or Counter

checks cashed at the cage, the Gaming Operation shall establish and comply with appropriate controls submitted to and approved by the Commission for purposes of security and integrity. Checks specified in this subsection shall be presented to the cage cashier who shall:

- (1) Restrictively endorse the check "for deposit only" to the Gaming Operation's bank account;
- (2) Initial the check;
- (3) Date and time stamp the check;
- (4) Verify the Patron identity via examination of identification credentials;
- (5) When travelers checks or other guaranteed drafts such as cashier's checks are presented, the cashier shall comply with the examination and documentation procedures as required by the issuer; and
- (6) Exchange the check for currency and coin in an amount equal to the amount for which the check is drawn.
- (7) When counter checks are issued, the following shall be included on the check:
 - (i) The Patron's name and signature;
 - (ii) The dollar amount of the counter check, alpha and numeric;
 - (iii) The bank name, bank account number;
 - (iv) The date of issuance; and
 - (v) The signature or initials of the person approving the counter check transaction.

(e) Customer Deposited Funds.

If a Gaming Operation permits a customer to deposit funds with the Gaming Operation at the cage, the following standards shall apply:

- (1) The receipt or withdrawal of a Patron deposit shall be evidenced by at least a two-part document with one copy going to the Patron and one copy remaining in the cage file.
- (2) The multi-part receipt shall contain the following information:
 - (i) Same receipt number on all copies;

- (ii) Patron's name and signature;
 - (iii) Date of receipt and withdrawal;
 - (iv) Dollar amount of deposit/withdrawal; and
 - (v) Nature of deposit (cash, check, chips); however, provided all of the information in paragraph (e)2(i) through (v) is available, the only required information for all copies of the receipt is the receipt number.
- (3) The Gaming Operation shall establish and the Gaming Operation shall comply with procedures that:
- (i) Maintain a detailed record by customer name and date of all funds on deposit;
 - (ii) Maintain a current balance of all customer deposits that are in the cage/vault inventory or accountability; and
 - (iii) Reconcile this current balance with the deposits and withdrawals at least daily.
- (4) The Gaming Operation shall describe the sequence of the required signatures attesting to the accuracy of the information contained on the customer deposit or withdrawal form ensuring that the form is signed by the cashier.
- (5) All Patron deposits and withdrawal transactions at the cage shall be recorded on a cage accountability form on a per-shift basis.
- (6) Only cash, cash equivalents, chips, tokens and wire transfers-in shall be accepted from Patrons for the purpose of establishing a Patron deposit. Vouchers issued from ticket-in/ticket-out slot systems shall not be placed on deposit for Patrons, but shall be exchanged for cash.
- (7) The Gaming Operation shall establish procedures that verify the Patron identity, including photo identification.
- (8) A file for Patrons shall be prepared prior to acceptance of a deposit.
- (f) Cage and Vault Accountability Standards
- (1) All transactions that flow through the cage shall be summarized on a cage

accountability form on a per shift basis and shall be supported by documentation.

(2) The cage and vault, (including coin room) inventories, shall be counted by the incoming and outgoing cashiers. These employees shall make individual counts for comparison of accuracy and maintenance of individual accountability. Such counts shall be recorded at the end of each shift during which activity took place. All discrepancies shall be noted and investigated by the Gaming Operation. Unverified transfers of cash and/or cash equivalents are prohibited.

(3) At the end of each Gaming day, at a minimum, a copy of cashier's count sheets and related documentation shall be forwarded to the accounting department for agreement of opening and closing inventories, and agreement of amounts thereon to other forms, records and documents specified in this section.

(4) The Gaming operation cash-on-hand shall include, but not be limited to, the following components:

- (i) Currency and coins;
- (ii) House chips, including reserve chips;
- (iii) Personal checks, cashier's checks, markers, and traveler's checks for deposit;
- (iv) Customer deposits;
- (v) Chips on tables;
- (vi) Hopper loads (coins put into machines when they are placed in service); and
- (vii) Fills and Credits - These documents shall be treated as assets and liabilities, respectively, of the cage during a business day. When win or loss is recorded at the end of the business day, they are removed from the accountability.

(g) Chips and Tokens Standards.

The Commission, or the Gaming Operation as approved by the Commission, shall establish and the Gaming Operation shall comply with procedures for the

receipt, inventory, storage, and destruction of Gaming chips and tokens.

(h) Coupon Standards.

Any program for the exchange of coupons for chips, tokens, and/or another coupon program shall be submitted to the Commission prior to implementation. The Gaming Operation shall establish and comply with procedures that account for and control such programs.

(i) Accounting/Auditing Standards

(1) The cage accountability shall be reconciled to the general ledger at least monthly.

(2) A trial balance of Gaming operation accounts receivable, including the name of the Patron and current balance, shall be prepared at least monthly for active, inactive, settled or written-off accounts.

(3) The trial balance of Gaming Operation accounts receivable shall be reconciled to the general ledger each month. The reconciliation and any follow-up performed shall be documented, maintained for inspection, and provided to the Commission upon request.

(4) On a monthly basis, an evaluation of the collection percentage of credit issued to identify unusual trends shall be performed.

(5) All cage and credit accounting procedures and any follow-up performed shall be documented, maintained for inspection, and provided to the Commission upon request.

(j) Unclaimed Winnings

(1) Any winnings, whether property or cash, which are due and payable to a known Patron, and which remain unclaimed, shall be held in safekeeping for the benefit of such known Patron.

(2) In circumstances where the winnings have not been provided to the known Patron, the Gaming Operation shall prepare a Winner Receipt form. The form shall be a two-part form and contain the following:

(i) The date and time the winning occurred;

- (ii) The Game upon which the win occurred;
 - a) Table Game pit, table number, type of Game (blackjack, craps, etc.);
 - b) Gaming Device asset number, location, winning combination; or
 - c) Other Games (if offered);
 - (iii) The amount of winnings due the Patron or description of property won;
 - (iv) The signature of the winning Patron on the original form at the time it was prepared; and
 - (v) The signature of the preparer on the original and duplicate.
- (3) The two-part receipt form shall be distributed as follows:
- (i) The original to the cashier responsible for maintaining safekeeping balances, by the preparer;
 - (ii) The duplicate shall immediately be presented to the winning Patron who shall be required to present the duplicate receipt before being paid the winning amount due.
- (4) The Commission shall use, or require the Gaming Operation to use, its best efforts to deliver the winnings to the Patron. Documentation shall be maintained of all efforts to provide the Patron with the unclaimed winnings. Documentation shall be, but not limited to, letters of correspondence, telephone calls, or other means of communication used in the attempt to provide the winnings to the Patron.
- (5) Winning Patrons shall collect winnings by presenting, at the cashier's cage, the duplicate copy of the receipt form, signed in the presence of the cashier. The cashier shall obtain the original receipt from safekeeping and compare the signature on the original to the signature on the duplicate receipt form. The cashier shall sign the original receipt form attesting that signatures on the original and duplicate receipt forms agree and distribute the winnings to the Patron.
- (6) The original receipt form shall be retained by the cashier as evidence of the disbursement from the cashier's funds. The duplicate receipt form shall be

placed in a box for distribution to accounting by security or someone who did not participate in the transaction.

(7) Winnings of known Patrons held in safekeeping for twelve (12) months or longer shall revert to the benefit of the Gaming Operation after reasonable efforts to distribute the winnings to the known Patron, as determined from review of documentation maintained.

(8) For winnings in excess of \$100 wherein the identity of the Patron is not known, the Commission shall require the Gaming Operator to use its best efforts to learn the identity of the Patron. If the identity of the Patron is determined, the operator shall comply with subsections (a) through (g) above.

(9) Where the Patron identity cannot be determined after three (3) months from the time winnings were payable, the winnings shall revert to the benefit of the Gaming Operator.

(10) Winner Receipt forms shall be pre-numbered and accounted for. Receipt forms voided shall be marked "VOID" and signed by the preparer.

(k) The Gaming Operation as approved by the Commission shall establish procedures to address transporting of extraneous items such as coats, purses, and or boxes into and out of the cage, coin room, count room, and/or vault.

(l) The Gaming Operation as approved by the Commission shall establish and the Gaming Operation shall comply with a minimum bankroll formula to insure the Gaming Operation maintains cash or cash equivalents (on hand in the bank, if readily accessible) in an amount sufficient to satisfy obligations to the Gaming Operation Patrons as they are incurred.

Section 4.08 Complimentary Services.

(a) Each Gaming Operation shall establish and the Gaming Operation shall comply with procedures for the authorization, issuance, recording and monitoring complimentary services or items, including cash and non-cash gifts. Such procedures must be approved by the Commission and shall include, but shall not be limited to, the procedures by which the Gaming Operation delegates to its employees the authority to approve the issuance of complimentary services and

items, and the procedures by which conditions or limits, if any, which may apply to such authority are established and modified (including limits based on relationships between the authorizer and recipient), and shall further include effective provisions for audit purposes.

(b) On a daily basis, the Gaming Operation shall record the name of each person provided with Complimentary services or items, the category of service or item provided, the value, as calculated in accordance with (d) below, of the services or items provided to such person, and the person authorizing the issuance of such services or items. Upon request, a copy of this daily report shall be submitted to the Commission. Exempt from this requirement are the individual names of persons authorizing or receiving:

- (1) Each non-cash Complimentary service or item that has a value, as calculated in accordance with (d) below, of \$100.00 or less; and
- (2) Each Complimentary cash gift of \$100 or less.

(c) The internal audit or accounting departments shall review the reports required in paragraph (b) of this section at least monthly. These reports shall be made available to the Commission, Pokagon Band Gaming Authority, and other entity designated by the Commission, upon request.

(d) All Complimentary services or items shall be valued and recorded as follows:

- (1) At full retail price normally charged by the Gaming Operation if the Complimentary service or item is provided directly to Patrons in the normal course of the Gaming Operation's business (such as rooms, food or beverages);
- (2) At an amount based upon the actual cost to the Gaming Operation of providing such service or item, if the Complimentary service or item is not offered for sale to Patrons in the normal course of a Gaming Operation's business;

(3) At an amount based upon the actual cost to the Gaming Operation of having a third party, not affiliated with the Gaming Operation, provide a service or item directly or indirectly to Patrons by the third party; and

(4) A complimentary service or item provided directly or indirectly to a Patron on behalf of a Gaming Operation by a third party who is affiliated with the Gaming Operation shall be recorded by the Gaming Operation in accordance with the provisions of this Section as if the affiliated third party were the Gaming Operation.

(e) Complimentary cash gifts shall include, without limitation:

(1) Public relations payments made for the purpose of resolving complaints by or disputes with Gaming Operations;

(2) Travel or walk money payments made for the purpose of enabling a Patron to return home;

(3) Cash Complimentaries issued to Patrons as a result of actual Gaming activity; and

(4) Coupons issued and redeemed as part of a promotion program.

(f) The Gaming Operation shall accumulate on a quarterly basis both the dollar amount of and number of persons provided with each category of Complimentary services or items.

(1) A quarterly report shall be filed with the Commission regarding the Complimentary services or items provided.

(2) The Complimentary services or items shall, at a minimum, be separated into categories for rooms, food, beverage, travel, cash gift, non-cash gift, and other services or items.

(g) Where Complimentary cash gifts have a value of \$1,000 or more or non-cash gifts have of value of \$2,500 or more, the Gaming Operation shall also:

(1) Record the address of the recipient; and

(2) Verify the identity of the recipient by:

- (i) An examination of an identification credential that also contains a photograph or physical description of the recipient that is consistent with the actual appearance of the Patron; or
 - (ii) Obtaining the Patron's signature and comparing it and the Patron's physical appearance to the signature and general physical description in a Patron signature file; or
 - (iii) An authorized employee attesting to the Patron's identity; and
- (3) Record the method of verification.

(h) All Complimentary cash gifts shall be disbursed directly to the Patron by a cashier at the cashier's cage after receipt of appropriate documentation or in any other manner approved by the Commission.

(i) No Gaming Operation shall permit any employee to authorize the issuance of complimentary cash or non-cash gift with a value of \$10,000 or more unless the employee is Licensed and functioning as a Key Employee and the authorization is cosigned by a second employee Licensed and functioning as a Key Employee.

(j) Each Gaming Operation shall submit to the Commission a report listing the name of each person who has received \$10,000 or more in complimentary cash and non-cash gifts within any five (5) day period during the preceding month-end. Such report shall be filed by the last business day of the following month and shall include the total amount of Complimentary cash or non-cash gifts provided to each person.

Section 4.09 Standards for Credit.

(a) Computer applications. For any computer applications utilized, alternate documentation and/or procedures that provide at least the level of control

described by the standards in this Section, as approved by the Commission, shall be acceptable.

(b) Credit standards.

(1) At least the following information shall be recorded for Patrons that have credit limits or are issued credit (excluding personal checks, payroll checks, cashier's checks, and traveler's checks):

(i) Patron name, current address, and signature;

(ii) Identification verifications;

(iii) Authorized credit limit;

(iv) Documentation of authorization by a person designated by Management

to approve credit limits; and

(v) Credit issuances and payments

(c) Credit file. Prior to the approval and issuance of credit to a Patron, a credit file shall be prepared by a cage cashier or credit department representative of the casino with no incompatible functions. All Patron credit limits and changes thereto shall be supported by information contained in the Patron credit file. The credit file shall contain a credit application form upon which the following information shall be recorded as provided by the customer:

(1) Patron's name, current residence address, years at that address, residence telephone number and signature;

(2) Verification of Patron identity and signature of the cage cashier who performed such identification verification;

(3) The type of credentials examined to establish Patron identity;

(4) Patron employment or self-employment information including name, address, phone number, and years employed;

(5) Patron banking information including name and address of bank, bank account number upon which the customer is individually authorized to draw upon and where markers shall be drawn.

(i) Markers shall be drawn only on personal accounts verified and

listed on the credit application.

(6) The name of each casino where the Patron has a casino credit limit and the amount of credit outstanding;

(7) The amount of Patron outstanding indebtedness other than casino debt;

(8) Verification of (c)(5) through (7) above via contact with the bank, directly with other casinos or a casino credit reporting agency, and other credit reporting agencies, such as Experian, TransUnion, or Equifax, for non-Gaming Operation indebtedness, along with the signature, date, and License number of the employee who performed the verifications.

(9) The Patron credit limit requested and authorized; and

(i) The signature of person authorized by Management to approve credit limits. Junket representatives, or any other employee whose authorization of credit would cause that employee to be acting in an incompatible function, shall be prohibited from authorizing credit.

(10) Prior to extending credit, the Patron's Gaming Operation credit record and or other documentation shall be examined to determine the following:

(i) Properly authorized credit limit;

(ii) Whether remaining credit is sufficient to cover the credit issuance;

(iii) Identity of the customer;

(iv) Credit extensions over a specified dollar amount shall be approved by personnel designated by Management; and

(v) Proper approval of credit extensions over ten percent (10 %) of the previously established limit shall be documented.

(d) Marker Standards. Marker forms shall be at least two parts (the original marker and a payment slip), pre-numbered by the printer or concurrently numbered by the computerized system, and utilized in numerical sequence.

(1) The completed original marker shall contain at least the following information:

- (i) Marker number;
- (ii) Player's name and signature;
- (iii) Amount of credit issued (both alpha and numeric); and
- (iv) Bank name, account number and routing number.

2) The completed payment slip shall include the same marker number as the original, date and time of payment, amount of payment, nature of settlement (cash, chips, etc.) and signature of cashier receiving the payment.

(e) Payment standards.

(1) All payments received on outstanding credit instruments shall be recorded in ink or other permanent form of recordation in the Gaming Operation's records.

(2) When partial payments are made on credit instruments, they shall be evidenced by a multi-part receipt (or another equivalent document) that contains:

- (i) The same preprinted number on all copies;
- (ii) Patron's name;
- (iii) Date of payment;
- (iv) Dollar amount of payment (or remaining balance if a new marker is issued) and nature of settlement (cash, chips, etc.);
- (v) Signature of employee receiving payment; and
- (vi) Number of credit instrument on which partial payment is being made.

(3) Unless account balances are routinely confirmed on a random basis by the accounting or internal audit departments, or statements are mailed by a person independent of the credit transactions and collections thereon, and the department receiving payments cannot access cash, then the following standards shall apply:

- (i) The routing procedures for payments by mail require that they be received by a department independent of credit instrument custody and collection;
- (ii) Such receipts by mail shall be documented on a listing

indicating the Patron's name, amount of payment, nature of payment (if other than a check), and date payment received; and

(iii) The total amount of the listing of mail receipts shall be reconciled with the total mail receipts recorded on the appropriate accountability form by the accounting department on a random basis (for at least three (3) days per month).

4) Any Patron having a marker returned to the Gaming Operation unpaid by the Patron's bank shall have his/her credit privileges suspended at the Gaming Operation until the debt is repaid in full or an acceptable explanation to restore credit is contained in the Patron credit file.

(f) Access to credit documentation.

(1) Access to credit documentation shall be restricted as follows:

(i) The credit file information shall be restricted to those positions that require access and are so authorized by Management;

(ii) Outstanding credit instruments shall be stored in the check bank in the cage, restricted to persons authorized by Management, and not acting in an incompatible function and;

(iii) Credit instruments written-off shall be further restricted to persons specified by Management and who would not be acting in an incompatible function.

(g) Maintenance of credit documentation.

(1) All extensions of cage credit, pit credit transferred to the cage, and subsequent payments shall be documented on a credit instrument control form.

(2) All transactions affecting a customer outstanding indebtedness to the Gaming Operation shall be recorded in chronological order on the customer credit file.

(3) Credit transactions recorded shall be segregated from safe-keeping deposit transactions; and

(4) Records of all correspondence, transfers to and from outside agencies, and other documents related to issued credit instruments shall be maintained.

(h) Write-off and settlement standards.

(1) Credit instruments written-off or settled shall be authorized in writing.

(2) Such authorizations shall be made by at least two Management officials who are from departments independent of the credit transaction.

(3) Only after reasonable collection efforts shall returned markers be considered uncollectible for accounting purposes. To be judged uncollectible, the credit file should contain the following information:

(i) Documentation of the Gaming Operation's efforts to collect the outstanding markers and the reason why collection efforts were unsuccessful; or

(ii) Letters or other correspondence from collection agencies representing the Gaming Operation documenting the collection agency efforts to collect the outstanding markers and why collection efforts were unsuccessful, or were not further pursued.

(i) Collection agency standards.

(1) When credit instruments are transferred to collection agencies or other collection representatives, a copy of the credit instrument and a receipt from the collection representative shall be obtained and maintained until the original credit instrument is returned or payment is received.

(2) A person independent of credit transactions and collections shall periodically review the documents in paragraph (g) (1) of this Section.

(j) Accounting/auditing standards.

(1) A person independent of the cage, credit and collection functions shall perform all of the following at least three (3) times per year:

(i) Ascertain compliance with credit limits and other established credit issuance procedures;

(ii) Randomly reconcile outstanding balances of both active and inactive accounts on the accounts receivable listing to individual credit records and physical instruments;

(iii) Examine credit records to determine that appropriate collection efforts are being made and payments are being properly recorded; and

(iv) For a minimum of five (5) days per month, partial payment receipts shall be subsequently reconciled to the total payments recorded by the cage for the day and shall be numerically accounted for.

Section 4.10 Procedures for Wire Transfers.

(a) A wire transfer or electronic funds transfer can be accepted from or on behalf of a Patron for the following:

(1) Establish a Patron deposit account in accordance with Section 4.7 (e);

(2) The redemption or partial redemption of a marker in accordance with Section 4.9 (e); and

(3) The payment or partial payment of a returned marker in accordance with Section 4.7 (e).

(b) Wire transfers or electronic funds transfers shall only be accepted at the cage and the funds shall be deposited in the Gaming Operation's operating account. The cage shall require its bank to notify the cage that a wire transfer has occurred and shall require that the bank notify them by telephone, direct hard copy notification sent by the bank or direct computer access. If direct computer access is the method of notification, the cage shall print the screen.

(c) Upon notification from the bank that a wire transfer or electronic funds transfer has occurred, the cage employee receiving the notification shall record the following information in a transfer log:

- (1) A sequential number generated by the cage;
 - (2) Type of transfer (wire or electronic);
 - (3) Date and time of notification;
 - (4) Name and License number of employee who received notification of the transfer;
 - (5) Amount of funds in number and words;
 - (6) The name and casino account number of the Patron for who the funds were accepted;
 - (7) The name and address or the American Banking Association (ABA) routing number of the financial institution from which the funds were transferred;
 - (8) The account number or the name on the account from which the funds were transferred, or the federal reference number for the wire transfer, which consists of the date of the transfer and a unique transaction number for that transfer;
 - (9) The method of notification as required by (b) above;
 - (10) The signature and License number of a cage supervisor who shall verify with the bank that a transfer has occurred, and who is not the employee in item (4) above. The supervisor shall record in the log the method of verification.
- (d) After the cage supervisor has verified the receipt of the transfer, and when the reason for the transfer as listed in subsection (a) above has been determined, a cage supervisor shall prepare a two part Wire/Electronic Transfer form which shall include the following information:
- (1) The name of the Patron;
 - (2) The wire transfer or electronic fund transfer number;
 - (3) The type of transfer, (wire transfer or electronic fund transfer);
 - (4) The date of the wire transfer or electronic fund transfer;
 - (5) The actual amount of funds received stated in numbers and words;
 - (6) The purpose for the transfer (cash deposit; redemption; payment of

returned marker);

(7) The signature of the preparer on both copies; and

(8) The signature on both copies of either:

(i) The check bank cashier, if the funds are to be used for a marker redemption or the payment of a returned marker; or

(ii) The general cashier, if the funds are to be used for a cash deposit.

(e) After obtaining the signatures, the cage supervisor shall transmit the duplicate copy and any supporting documentation to the accounting department, and forward the original Wire/Electronic Transfer Acknowledgment Form to:

(1) The check bank cashier, if the funds are to be used for marker redemption or the payment of a returned marker, who shall:

(i) Post the amount of the funds to the Patron's credit account;

(ii) If appropriate, return the redeemed marker to the Patron;

(iii) Forward to the accounting department the original Wire/Electronic Fund Transfer Acknowledgment Form for comparison to the duplicate; and

(iv) Forward to the accounting department the redemption copy of any marker redeemed; or

(2) The general cashier, if the funds are to be used to establish a cash deposit, who shall:

(i) Prepare a deposit file in accordance with Section 4.7 (e);

(ii) Prepare a Deposit Form in accordance with the Section 4.7 (e). Prior to the release to the Patron of any funds credited to a cash deposit file by means of a wire transfer or electronic fund transfer, the general cashier shall verify that the Patron is the Patron recorded on the Wire/Electronic Fund Transfer Acknowledgment Form; and

(iii) Forward to the accounting department the original Wire/Electronic Fund Transfer Acknowledgment Form for comparison to the duplicate.

(f) If, at the expiration of seven business days after the acceptance and deposit into its operating account of a wire transfer or electronic fund transfer from or on behalf of a Patron, a Gaming Operation is unable to determine the purpose for the wire transfer or electronic fund transfer, the Gaming Operation shall, on the next business day, take all steps necessary to return by wire transfer or electronic fund transfer the amount initially accepted on behalf of the Patron to that Patron at the financial institution and to the account number from which the funds were debited. This reversal of the wire transfer or electronic fund transfer shall be recorded in the log.

(g) At the end of the month, a copy of the log shall be forwarded to the accounting department and reconciled with all Wire/Electronic Fund Transfer Acknowledgment Forms prepared during that month.

Section 4.11 Management Information Systems.

4.11 (A) Standard Financial and Statistical Reports.

(a) The Gaming Operation, unless specifically exempted by the Commission, shall file monthly, quarterly, and annual reports of financial and statistical data. The data may be used by the Commission to evaluate the financial position and operating performance of the Gaming Operation and compile information regarding the performance and trends.

(b) The Commission shall periodically prescribe a set of standard reporting forms and instructions to be used by each Gaming Operation in filing the monthly, quarterly, and annual reports.

(c) Annual reports to the Tribal Council and Commission shall be based on the Gaming operations fiscal year, Quarterly reports shall be based on **fiscal** calendar quarters. Monthly reports shall be based on calendar months.

(d) The reports shall be signed by the Gaming Operation's General Manager, Chief Gaming Executive, Financial Vice-President, Treasurer or Controller, or equivalent positions if those titles are not appropriate to the entity.

(e) Each report to the Tribal Council and Commission shall be received or postmarked not later than the required filing date. Requests for a filing extension must be submitted to the Tribal Council and Commission in writing prior to the required filing date.

(1) Monthly reports shall be due not later than the 21st calendar day following the end of the month.

(2) Quarterly reports shall be due not later than the 21st calendar day of the second month following the end of the quarter.

(3) Annual reports shall be due not later than March 31 of the following calendar year.

(f) In the event of a License termination, change in business entity, or material change in ownership, the Commission may at its discretion require the filing of an interim annual or quarterly report, as of the date of occurrence of the event. Any such request shall be made in writing to the Gaming Operation. The filing due date shall be the later of thirty (30) calendar days after notification to the Gaming Operation or thirty (30) calendar days after the date of occurrence of the event, unless an extension is granted in accordance with subsection (e) above.

(h) Any adjustments resulting from the annual audit required shall be recorded in the accounting records of the year to which the adjustment relates. In the event the adjustments were not reflected in the Gaming Operations annual report and the Tribal Council or Commission concludes the adjustments are significant, a revised annual report may be required from the Gaming Operation. The revised filing shall be due within thirty (30) calendar days after written notification to the Gaming Operation, unless an extension is granted in accordance with subsection (e) above.

Annual audit and other reports

(a) The Gaming Operation shall, at its own expense, cause its annual financial statements to be audited in accordance with Generally Accepted Auditing Standards by an independent certified public accountant Licensed to practice in the State of Michigan.

(b) The annual financial statements shall be prepared on a comparative basis for the current and prior or fiscal year, and shall present financial position and results of operations in conformity with Generally Accepted Accounting Principles (GAAP).

(c) The financial statements required by this section shall include a footnote reconciling and explaining any differences between the financial statements included in the Gaming Operation's annual report, filed in conformity with Standard Financial and Statistical Reports section of these Regulations, and the audited financial statements. Such footnote shall, at a minimum, disclose the effect of such adjustments on:

- (1) Revenues from Gaming Operation authorized Games;
- (2) Revenues net of Complimentary services;
- (3) Total costs and expenses;
- (4) Income before extraordinary items; and
- (5) Net income.

(d) Two copies of the audited financial statements, together with the report thereon of the Gaming Operation's independent certified public accountant, shall be filed with the Tribal Council and Commission and any other authorized entity not later than April 30 following the end of the fiscal year.

(e) The Gaming Operation shall require its independent certified public accountant to render the following additional reports:

- (1) Report on material weaknesses in internal accounting control. Whenever

in the opinion of the independent certified public accountant there exists no material weaknesses in internal accounting control, the report shall so state.

(2) Report expressing the opinion of the independent certified public accountant that based on his examination of the financial statements the Gaming Operation has followed, in all material respects during the period covered by his examination, the system of internal accounting control approved by the Commission, the Act, these Regulations and the Compact. Whenever, in the opinion of the independent certified public accountant, the Gaming Operation has materially deviated from the system of internal accounting control approved by the Commission or the accounts, records, and control procedures examined are not maintained by the Gaming Operation in accordance with the Act, the Compact and this Chapter, the report shall enumerate such deviations and such areas of the system no longer considered effective, and shall make recommendations regarding improvements in the system of internal accounting control.

(3) The Gaming Operation shall prepare a written response to the independent certified public accountant's reports required by subsection (e) 1 and 2 above. The response shall indicate, in detail, the corrective actions taken. Such response shall be submitted to the Commission and other authorized entity within ninety (90) days from receipt of the independent certified public accountant's reports.

(f) Two copies of the reports required by subsection (e) above, and two copies of any other reports on internal accounting control, administrative controls, or other matters relative to the Gaming Operations accounting or operating procedures rendered the Gaming Operation 's independent certified public accountant, shall be filed with the Commission and with any other authorized entity, by the Gaming Operation by April 30th following the end of the calendar year or upon receipt, whichever is earlier.

4.11 (B) Information Technology Standards.

(a) General controls for Gaming hardware and software

(1) The Gaming Operation Management shall take an active role in making sure that physical and logical security measures are implemented, maintained, and adhered to by personnel to prevent unauthorized access that could cause errors or compromise data or processing integrity.

(2) The Gaming Operation Management shall ensure that all new Gaming vendor hardware and software agreements/contracts contain language requiring the vendor to adhere to Tribal internal control standards applicable to the goods and services the vendor is providing.

(3) Physical security measures shall exist over computer, computer terminals, and storage media to prevent unauthorized access and loss of integrity of data and processing.

(4) Standards in paragraph (a) 1 of this Section shall apply to each applicable department within the Gaming Operation and only authorized personnel shall have access to the following:

- (i) Systems software and application programs;
- (ii) Computer data; and
- (iii) Computer communications facilities, or the computer system, and information transmissions.

(b) The main computers (i.e., hardware, software, and data files) for all Gaming Equipment (e.g., keno, Gaming devices, etc.) shall be in a secured area with access restricted to authorized persons, including vendors.

(c) Access to computer operations shall be restricted to authorized personnel to reduce the risk of loss of integrity of data or processing.

(d) Incompatible duties shall be adequately segregated and monitored to prevent error in general information technology procedures to go undetected or fraud to be concealed.

(e) Non-information technology personnel shall be precluded from having unrestricted access to the secure computer areas.

(f) The computer systems, including application software, shall be secured through the use of passwords or other approved means where applicable. Information Technology personnel shall assign and control access to system functions.

(g) Passwords shall be controlled as follows unless otherwise addressed in the standards in this Section.

- (1) Each user shall have their own individual password;
- (2) Passwords shall be changed at least quarterly with changes documented; and
- (3) For computer systems that automatically force a password change on a quarterly basis, documentation shall be maintained listing the systems and the date the user was given access.

(h) Information Technology personnel shall have backup and recovery procedures in place that include:

- (1) Daily, monthly and annual backup of data files;
- (2) Backup of all programs;
- (3) Secured off-site storage of all backup data files and programs, or other adequate protection, access to which shall be restricted to authorized Information Technology personnel ; and
- (4) Recovery procedures, which are tested on a sample basis at least annually with documentation of results.

(i) Information Technology system documentation shall be maintained, including descriptions of hardware and software (including current version numbers of approved software), operator manuals, etc.

- (j) Information Technology personnel shall be:
 - (1) Independent of the Gaming areas (e.g., cage, pit, count rooms, etc.). Information Technology personnel procedures and controls should be documented and responsibilities communicated.
 - (2) Precluded from unauthorized access to:
 - (i) Computers and terminals located in Gaming areas;
 - (ii) Source documents; and
 - (iii) Live data files (not test data).
 - (3) Restricted from:
 - (i) Having unauthorized access to cash or other liquid assets; and
 - (ii) Initiating general or subsidiary ledger entries.

- (k) Gaming program changes for in-house developed systems should be documented as follows:
 - (1) Requests for new programs or program changes shall be reviewed by the information technology supervisor. Approvals to begin work on the program shall be documented;
 - (2) A written plan of implementation for new and modified programs shall be maintained, and shall include, at a minimum, the following:
 - (i) The date the program is to be placed into service;
 - (ii) The nature of the change;
 - (iii) A description of procedures required in order to bring the new or modified program into service (conversion or input of data, installation procedures, etc.); and
 - (iv) An indication of who is to perform all such procedures.
 - (3) Testing of new and modified programs shall be performed and documented prior to implementation but this paragraph shall not apply to personal computers; and
 - (4) A record of the final program or program changes, including evidence of user acceptance, date in service, programmer, and reason for changes, shall be documented and maintained.

(l) The Gaming Operation shall maintain computer security logs. If computer security logs are generated by the system, they shall be reviewed by information technology supervisory personnel for evidence of:

- (1) Multiple attempts to log-on, or alternatively, the system shall deny user access after three attempts to log-on;
- (2) Unauthorized changes to live data files; and
- (3) Any other unusual transactions.

(m) The following shall apply to accessing computer systems through remote dial-up:

(1) If remote dial-up to any associated equipment is allowed for software support, Information Technology personnel shall maintain an access log that includes:

- (i) Name of employee authorizing modem access;
- (ii) Name of authorized programmer or vendor representative;
- (iii) Reason for modem access;
- (iv) Description of work performed; and
- (v) Date, time, and duration of access.

(n) The Gaming Operation may scan or directly store documents to an unalterable storage medium under the following conditions:

- (1) The storage medium shall contain the exact duplicate of the original document;
- (2) All documents stored on the storage medium shall be maintained with a detailed index containing the Gaming operation department and date. This index shall be available upon request by the Commission;
- (3) Upon request and adequate notice by the Commission, hardware (terminal, printer, etc.) shall be made available in order to perform auditing procedures;
- (4) Controls shall exist to ensure the accurate reproduction of records up to and including the printing of stored documents used for auditing purposes;

and

(5) The storage medium shall be retained for a minimum of five (5) years.

Section 4.12 Key Controls.

(a) Any key that is considered sensitive and is required to be controlled and maintained by these Regulations and any corresponding locking device shall be approved by the Commission. Such key shall be legally duplicated only by the manufacturer or an approved agent or successor thereof, and shall be capable of unlocking the locking device on no more than one type of secure box, compartment or location used or maintained within the Gaming Establishment. Notwithstanding the above, nothing herein shall preclude the Commission from exempting a type of secure box, compartment or location from the requirements of this subsection upon a determination that the security of such box, compartment or location would not otherwise be compromised. Sensitive keys shall include, but not be limited to the following:

- (1) Table drop box contents key;
- (2) Table drop box release key;
- (3) Table drop box trolley keys;
- (4) Bill acceptor canister release keys;
- (5) Bill acceptor canister contents keys;
- (6) Bill acceptor canister trolley keys;
- (7) Count room entrance keys;
- (8) Compartments housing microprocessors or other control units controlling progressive meter(s) for progressive Gaming Devices;
- (9) Locations housing a computer that controls a progressive payout wager system for Gaming tables offering a progressive payout wager;
- (10) Storage cabinets or trolleys for unattached table drop boxes; and
- (11) Storage cabinets or trolleys for unattached bill acceptor canisters.

(b) The Gaming Operation shall establish inventory internal controls for any sensitive key required by the Regulations which shall include, at a minimum, procedures for:

(1) Maintenance of inventory ledgers by identified, authorized personnel for purposes of documenting:

- (i) The requisitioning of keys and locking devices from vendors;
- (ii) The receipt of blank key stock;
- (iii) The storage and issuance of keys and locking devices;
- (iv) Any loss, removal from service, and subsequent replacement of keys and locking devices;
- (v) The destruction of keys and locking devices; and
- (vi) The results of physical inventories;

(2) The storage of duplicate keys and locking devices, including a physical description of any storage location and the identification of authorized personnel in control of such location;

(3) The destruction of keys and locking devices, including documentation detailing in whose presence any destruction shall occur; and

(4) A quarterly inventory of all sensitive keys which shall be reconciled to records of keys made, issued, and destroyed. Investigations shall be performed for all keys unaccounted for. A report documenting the investigation shall be prepared and a copy of the report filed with the Commission.

(c) All duplicate keys shall be maintained in a manner that provides the same degree of control as is required for the original keys. Records shall be maintained for each key duplicated that indicate the number of keys made and destroyed.

(d) Logs shall be maintained by the custodian of sensitive keys to document authorization of personnel accessing keys.

(e) If the Gaming Operation uses a computerized key security system, which restricts access to the Gaming Device drop and count keys through the use of

passwords, keys or other means, other than a key custodian, must provide the same degree of control as indicated in the aforementioned key control standards. In addition, the system must generate a report which includes the transactions performed by the individual(s) that adds, deletes, or changes user's access within the system (i.e. system administrator).

(1) The report shall be reviewed daily by an employee independent of the system administrator who shall determine the following:

(i) That the transactions completed by the system administrator provide an adequate control over the access to the Gaming Device drop and count keys; and

(ii) That any Gaming Device drop and count key(s) removed or returned to the key cabinet by the system administrator was properly authorized.

(2) At least quarterly, review a sample of users that are assigned access to sensitive keys to determine that their access to the assigned keys is adequate, relative to their job position.

(3) All noted improper transactions or unusual occurrences shall be investigated.

CHAPTER 5

GAMING DEVICES:

Section 5.01 Possession of Gaming Devices.

(a) Gaming Devices shall only be authorized to be in the possession of:

(1) The Gaming Operation at the Gaming Establishment or at another location as authorized by the Commission;

(2) The Commission, for any purpose authorized by the Act or these Regulations; or

(3) A common carrier, for the purpose of transporting said Gaming Devices in accordance with Section 5.2 of these Regulations.

(b) The Gaming Operation shall provide the Commission with a Gaming Device Master List in accordance with Section 5.3, which shall include any

Gaming Device referenced in subsection (a) (1) above, whether or not the Gaming Device is in use.

Section 5.02 Transportation and Movement of Gaming Devices.

(a) Before transporting or moving any Gaming Device into a Gaming Establishment or other location as authorized by the Commission, the manufacturer, distributor, seller or any other person who causes such Gaming Device to be transported or moved shall, at least five (5) days prior to any movement or transportation of any Gaming Device, notify the Commission in writing and submit the following information:

- (1) The full name and address of the person transporting or moving said Gaming Device;
- (2) The full name and address of the person who owns said Gaming Device, including the name of any new owner in the event that title is being transferred in conjunction with its transportation or movement;
- (3) The method of shipment or movement and the name of the carrier or carriers;
- (4) The full name and address of the person to whom the Gaming Device is being sent and the destination of said Gaming Device, if different from said address;
- (5) The quantity of Gaming Devices being transported or moved and the serial number, denomination and description of each Gaming Device;
- (6) The proposed date of delivery to or removal from any authorized location; and
- (7) The reason for transporting the Gaming Device.

(b) The person who transports or moves any Gaming Device shall provide to the common carrier an invoice, and at least one copy of the same shall be kept with the Gaming Device at all times during the shipping process. Said invoice shall contain the following information:

- (1) The serial number of the machine that is being transported;

- (2) The full name and address of the person from whom the Gaming Device was obtained;
 - (3) The full name and address of the person to whom the machine is being sent; and
 - (4) The dates of shipment.
- (c) Gaming Devices in the Gaming Establishment shall be:
- (1) Placed at an authorized location identified on the Gaming Establishment's floor plan approved by the Commission as part of the Gaming facility License application; and
 - (2) Identified on the Gaming Device Machine Master List required by subsection 5.3.
- (d) Whenever a Gaming Device is transported to or from a Gaming Establishment or moved to a different location within the Gaming Establishment, the movement shall be recorded by a member of the Gaming Establishment's slot department in a machine movement log which shall include the following:
- (1) The manufacturer's serial number and the asset number of the Gaming Device;
 - (2) The date and time of movement of the Gaming Device;
 - (3) The location from which the Gaming Device was moved;
 - (4) The location to which the Gaming Device was moved; and
 - (5) The signatures of the manager of the slot department and the technician verifying the movement of the Gaming Device.
- (e) Prior to removing a Gaming Device from the Gaming floor:
- (1) The Gaming Devices bill acceptor drop box shall be removed and transported to the count room;
 - (2) All meters as required by Section 5.5 shall be read and recorded in conformity with the procedures set forth in Section 5.5;
- (f) All movements shall be recorded on the Gaming Device Master List, an

updated copy of which shall be filed with the Commission.

Section 5.03 Master List of Approved Gaming Devices.

(a) The Gaming Operation shall submit to the Commission twenty (20) days before commencement of operations a comprehensive list of the Gaming Devices and bill validators in its Gaming Establishment (Master List of Approved Gaming Devices)

(b) The Gaming Operation shall assign consecutively a location number to each Gaming Device. On the Master List of Approved Gaming Devices, the Gaming Operation shall consecutively list each Gaming Device by location number, and, at a minimum, shall contain the following information:

- (1) The date on which the list was prepared;
- (2) A description of each Gaming Device by:
 - (i) Asset, model and serial number;
 - (ii) Computer program number;
 - (iii) Denomination; and
 - (iv) Manufacturer and machine type, particularly specifying if the machine has a bill validator and if it is a machine with a progressive system;
 - (v) Any other information the Commission may require.

Section 5.04 Official Seals or Asset Identifiers.

(a) Each Gaming Device located within the Gaming Establishment shall have a seal affixed to it by the Commission that shall be located on either side of the Gaming Device, or another identifier as approved by the Commission.

Section 5.05 Bill Acceptor Canister Drop.

(a) The bill acceptor canister drop shall be performed by three persons, who shall be independent of the slot department. The setting out of empty bill acceptor canisters and the drop shall be a continuous process, however, the operator may place empty canister drop boxes in front of the Gaming Devices prior to the commencement of the bill acceptor canister drop process.

Surveillance shall be notified when the drop is to begin so that surveillance may monitor the activities.

(b) Each Gaming day or in accordance with a schedule approved by the Commission:

(1) Locked bill acceptor canisters shall be removed and a separate bill acceptor canister shall be placed in the Gaming device.

(2) Upon removal from the Gaming Device, bill acceptor canisters shall be transported directly to the count room and locked in a secure manner until the count takes place.

(3) When not in use, empty bill acceptor canisters shall be stored in a locked trolley in the count room. The key to the trolley shall be maintained by the security department, and access to the key shall be restricted to the Persons authorized to remove bill acceptor canisters during the drop and count team members during the count. A log shall be maintained by the security department documenting the issuance and return of the trolley key.

(4) Access to stored bill acceptor canisters, full or empty, shall be restricted to:

- (i) Authorized members of the drop and count teams; and
- (ii) Personnel as authorized by the Commission in an emergency for the resolution of a problem.

(5) Persons authorized to obtain bill acceptor canister storage rack keys shall be precluded from having simultaneous access to bill acceptor canister content keys with the exception of the count team.

(c) Procedures shall be developed and implemented to insure that unauthorized access to empty bill acceptor canister shall not occur from the time the canisters leave the trolley until they are placed in the Gaming Devices.

(d) When bill acceptor canisters are transported to and from the count room, they shall be transported in the trolley by the person(s) referenced in section (a)

above. The requirement of transporting in the trolley may be waived when an emergency canister is transported to the Gaming Device in accordance with emergency canister procedures approved by the Commission.

(e) Access to stored, full bill acceptor canisters shall be restricted to authorized members of the drop and count teams.

(f) Meter readings shall be conducted in conjunction with the removal of the bill acceptor canisters. The meter readings shall be conducted by accounting department employee(s) with no incompatible functions, who shall record the meter readings on a Gaming Device Meter Reading Sheet, which will include the date the meter readings are being conducted. At the completion of the meter readings, the employee(s) who read the meters shall sign the meter reading sheet attesting to the accuracy of the information. In lieu of manual meter readings, the Gaming Operator may use a computer system approved by the Commission. The following meters shall be read and recorded:

- (1) Coin-in meter;
- (2) Coin-out meter;
- (3) Cash box meter or bill meters;
- (4) Jackpot meter;
- (5) Ticket numerical and value-in meters;
- (6) Ticket numerical and value-out meters;
- (7) Coupon numerical and value-in meters (if applicable); and
- (8) Electronic credits-in meter.

(g) After preparation of the Gaming Device Meter Reading Sheet, the sheet shall be delivered to the Accounting Department for reconciliation with the drop and calculation of the Gaming Device statistics.

If a variance of more than three percent (3%) and more than twenty-five (25) dollars between the total value of cash, Gaming vouchers, and coupons removed

from a bill canister acceptor and either the cash box or bill meter reading and, if applicable, the value coupon meter, and the value ticket in meter reading recorded on the Gaming Device meter sheet pursuant to subsection (g) above or a reading from the computer system approved by the Commission to read meters, the Gaming Operation shall conduct an investigation of the cause of the variance and shall provide a report to the Commission upon request.

Section 5.06 Testing and Approval of Gaming Devices.

(a) No Gaming Device shall be used for Gaming purposes unless it is identical in all mechanical, electrical, electronic and other aspects to the model thereof that the Commission has approved and authorized for its use.

(b) Any manufacturer or distributor proposing to offer Gaming Devices for use in a Gaming Establishment shall apply to the Commission for a License for each model of machine to be offered; provided, that except as otherwise authorized by the Commission, only and exclusively those Gaming device models that have been examined, evaluated and finally approved in accordance with the technical equipment standards set forth in subsection 6 (A) of the Compact and as may be described in this Section and other applicable law.

(c) A copy of each one of the prints, schematics, block diagrams, circuit analyses, and a complete explanation of the method of operation, odds determination for wagers and any other pertinent information with respect to said machine model shall be submitted together with the License application for said Gaming Device model.

(d) All Gaming Devices purchased, leased or otherwise acquired by the Gaming Operation must meet the technical equipment standards set forth in subsection 6 (A) of the Compact and as may be prescribed in the Regulations and other applicable law. The compliance of a Gaming Device with the technical equipments standards applicable to such Gaming Device may be established by a

certificate of compliance issued by an independent testing laboratory or any State or State-authorized testing laboratory. The Commission shall maintain a complete list of all Gaming Devices (whether or not such devices are in use) located at any Gaming Establishment or otherwise in the possession of the Gaming Operation.

Section 5.07 Operation of a Gaming Device in Conformity with an Approved Model.

(a) The responsibility for assembly and initial operation of each Gaming Device in accordance with the manner approved by the Commission rests with the manufacturer or distributor together with the Gaming Operation. Changes in the manner of final assembly or initial operation of a Gaming Device which changes the outcome of the Game, will be deemed improper unless prior to the institution of the change the manufacturer or distributor obtains the approval of the Commission.

(b) Any changes to an approved Gaming Device which changes the outcome of the Game, shall not be permitted without a certificate of compliance to the technical equipment standards required by subsection 5.6 of these Regulations.

(c) Each Gaming Device shall, at all time, be operated and played in accordance with the representations made to the Commission and the public.

Section 5.08 Ticket-In Ticket-Out Controls.

(a) The Gaming Operation may issue cash-out tickets for the payment of a Patron's remaining credits on a Gaming device. The cash-out ticket shall be printed at the Gaming Device by an internal document printer. Cash-out tickets may be redeemed for payment or inserted in another Gaming Device and wagered, if applicable, during the specified time period.

(b) Each cash-out ticket generated shall have the following information

printed on it:

- (1) Name of the Gaming Operation;
 - (2) Gaming Device number from where the ticket was generated;
 - (3) Date and time of issuance;
 - (4) Alpha and numeric dollar value;
 - (5) Validation number;
 - (6) Second printing of validation number on the leading edge of the ticket;
 - (7) Sequence number;
 - (8) Expiration period or date when the ticket will expire, which shall be no less than sixty (60) days from the date of issuance;
 - (9) Unique identifier (e.g. bar code); and
 - (10) Transaction type or other method to differentiate ticket types if applicable.
- (c) Cash-out tickets shall be redeemed at a change booth or cashier's cage. If the Gaming Establishment utilizes a remote computer validation system, the Gaming Operation shall develop alternate standards for the maximum amount that can be redeemed, which shall not exceed \$2,999.99 per cash-out transaction. The standards shall be approved by the Commission.
- (d) Upon presentation of the cash-out ticket(s) for redemption, the following shall occur:
- (1) Scan the bar code via an optical reader or its equivalent; or
 - (2) Input the cash-out ticket validation number into the computer.
- (e) The information contained in (b) above shall be communicated to the host computer. The host computer shall verify the authenticity of the cash-out ticket and communicate directly to the redeemer of the cash-out ticket.
- (f) If valid, the cashier (redeemer of the cash-out ticket) shall pay the appropriate amount to the Patron. The cash-out ticket shall be electronically

noted “paid” in the system. The “paid” cash-out ticket shall remain in the cashier’s bank for reconciliation purposes. The host validation computer system shall electronically reconcile the cashier's banks for the paid cashed-out tickets.

(g) If invalid, the host computer shall notify the cashier (redeemer of the cash-out ticket). The cashier (redeemer of the cash-out ticket) shall refuse payment to the Patron and notify a supervisor of the invalid condition. The supervisor shall resolve the dispute.

(h) If the host validation computer system temporarily goes down, cashiers may redeem cash-out tickets at a change booth or cashier's cage after recording the following:

(i) Serial number of the cash-out ticket;

(1) Date and time;

(2) Dollar amount;

(3) Issuing Gaming device number;

(4) Mark the cash-out ticket “paid”; and

(5) The ticket shall remain in cashier's bank for reconciliation purposes.

(j) Cash-out tickets shall be validated as expeditiously as possible when the host validation computer system is restored.

(k) If the host validation computer system is down for more than four (4) hours, the Gaming Operation shall promptly notify the Commission or its designated representative.

(l) Any cash-out ticket which appears to have been counterfeited, altered or tampered with shall be retained by the cashier after presentation by the Patron. The cage shall immediately notify the Security Department and the Commission representative on duty.

Section 5.09 Jackpot Verifications.

If a Patron wins a jackpot and upon inspection the EPROM seal is broken or otherwise tampered with, the Commission shall be notified and the payment to the Patron shall be withheld until such time as a determination can be made as to the legitimacy of the jackpot.

Section 5.10 Computerized Gaming Machine Systems.

- (a) For all computerized gaming machine systems, a personnel access listing shall be maintained, which includes at a minimum:
- (1) Employee name or employee identification number (or equivalent); and
 - (2) Listing of functions employee can perform or equivalent means of identifying same.

Section 5.11 Jackpot and Accumulated Credit Payouts.

- (a) Whenever a patron wins a jackpot (Jackpot) that is not automatically paid by a gaming ticket, or a patron cashes out the remaining credits (Accumulated Credits) on a gaming device which is not paid by the generation of a ticket, a Payout Slip shall be prepared which shall include at a minimum on the original, duplicate and triplicate or in stored data, the following information:
- (1) The date and time of the payout;
 - (2) The asset number of the gaming device on which the jackpot or accumulated credits was registered;
 - (3) The game outcome (including reel symbols, card values, suits, etc.) for jackpot payouts. Game outcome is not required if a computerized jackpot system is used;
 - (4) The dollar amount of cash payout (both alpha and numeric) or description of personal property awarded, including fair market value.

- Alpha is optional if another unalterable method is used for evidencing the amount of the payout;
- (5) The method of payment requested by the patron (cash, casino check or, if available, gaming chips);
 - (6) Preprinted or concurrently printed sequential number; and
 - (7) The signature or identification code of the preparer.
- (b) The original and duplicate shall contain the signatures of at least two employees verifying and witnessing the payout except as otherwise provided in (c), (d) and (e) of this section.
- (c) Jackpot payouts over a predetermined amount authorized by management and approved by the Commission shall require that one of the signatures of section (b) above shall be of a supervisory or management employee independent of the gaming machine department. Alternatively, if an on-line accounting system is utilized, only two signatures are required: one employee and one supervisory or management employee independent of the gaming machine department. The predetermined amount shall be documented, and maintained.
- (d) If an on-line accounting system is utilized and the jackpot is less than \$1,200, the signature of one employee is sufficient.
- (e) On graveyard shifts, which is defined as the period from 12:00 a.m. to 8:00 a.m., payouts less than \$100 can be made without the payout being witnessed by a second person.
- (f) Computerized jackpot systems shall be restricted so as to prevent unauthorized access and fraudulent payouts by one person as required by Section 4.11.

- (g) If the Payout is manually prepared, the following procedures and requirements shall be observed:
- (1) Each series of payouts shall be a three part form which shall be inserted in a locked dispenser that will permit an individual slip in the series and its copies to be written upon simultaneously while still locked in the dispenser, and that will discharge the original and duplicate while the triplicate remains in a continuous, unbroken form in the dispenser.
 - (2) Access to the triplicates shall be maintained and controlled at all times by employees responsible for controlling and accounting for the unused supply of Payouts, placing Payouts in the dispensers, and removing from the dispensers, each, the triplicates remaining therein. These employees shall have no incompatible functions.
- (h) For establishments in which payouts are computer-prepared each series of payouts shall be a two-part form, at a minimum, and shall be inserted in a printer that will: simultaneously print an original and a duplicate and store, in machine-readable form, all information printed on the original and duplicate. The stored data shall not be susceptible to change or removal by any personnel after preparation of a payout.
- (i) Upon obtaining the signatures(s) required in sections (b), (c), (d) and (e) above, the original payout shall be returned to the preparer and the duplicate shall be placed in a locked accounting box located in an area approved by the Commission. The key to the box shall be controlled and maintained by the Accounting Department.
- (j) The forms shall be controlled and routed in a manner that precludes any one person from producing a fraudulent payout by forging signatures or by altering the amount paid out subsequent to the payout and

misappropriating the funds.

(k) If the gaming operator offers promotional payouts or awards that are not reflected on the gaming machine pay table, then the payout form shall include:

- (1) Date and time;
- (2) Machine number and denomination;
- (3) Dollar amount of payout or description of personal property (e.g., jacket, toaster, car, etc.), including fair market value;
- (4) Type of promotion (e.g., double jackpots, four of a kind bonus, etc.);
- (5) Signature or identification code of the preparer; and
- (6) Signature of at least one employee authorizing and completing the transaction.

Section 5.12 Player Tracking System.

(a) The following standards apply if a player tracking system is utilized:

- (1) The player tracking system shall be secured by the Management Information Systems (M.I.S.) Department so as to prevent unauthorized access (e.g., changing passwords at least quarterly and physical access to computer hardware, etc.).
- (2) The addition of points to members' accounts other than through actual gaming device play shall be sufficiently documented (including substantiation of reasons for increases) and shall be authorized by the Accounting Department. Alternatively, addition of points to members' accounts may be authorized by Slot Department supervisory employees if sufficient documentation is generated and it is randomly verified by the accounting or internal audit department on a quarterly basis.
- (3) Employees who redeem points for members shall be allowed to

receive lost players club cards, provided that they are immediately deposited into a secured container for retrieval by independent personnel.

- (4) Changes to the player tracking system parameters, such as point structures and employee access, shall be performed by the M.I.S. Department. Alternately, changes to player tracking system parameters may be performed by Slot Department supervisory employees if sufficient documentation is generated and it is randomly verified by supervisory employees of the Accounting Department on a monthly basis.
- (5) All other changes to the player tracking system shall be appropriately documented.

Section 5.13 In-House Progressive Gaming Device Standards.

- (a) A meter that shows the amount of the progressive jackpot shall be conspicuously displayed at or near the machines to which the jackpot applies.
- (b) At least once each day, the Accounting Department shall record on a Progressive Meter Reading Sheet, the amount shown on each progressive jackpot meter at the gaming operation. A Progressive Meter Reading Sheet shall be maintained for each in-house progressive and shall contain the following information at a minimum:
 - (1) Unique identifier and base amount of the progressive jackpot offered;
 - (2) Date and time of the reading;
 - (3) The numeric dollar value of the reading; and
 - (4) Signature and license number of the Accounting Department representative who read and recorded the meter value.
- (c) Explanations for meter reading decreases shall be maintained with the

Progressive Meter Reading Sheets, and where the payment of a jackpot is the explanation for a decrease, the gaming operation shall record the jackpot payout slip number on the documentation supporting the decrease.

No progressive amount in excess of the base amount shall be transferred to other gaming devices without the written approval of the Commission. The Commission may authorize in writing, the distribution that has accrued to the benefit of the gaming public via an award or prize. If the distribution is to be made via an award or prize, the Commission shall develop and maintain procedures and rules that will be applied for the distribution.

CHAPTER 6

GAMING EQUIPMENT:

Section 6.01 Card Controls.

(a) Physical Characteristics

(1) Card decks used to play authorized card Games shall be in decks with each card identical in size and shape to every other card in such deck. Notwithstanding the foregoing, decks of cards used to play the following Games shall be modified as follows:

(i) A Pai Gow Poker deck shall include one additional joker card, which shall be identical in size and shape to every other card in such deck.

(ii) Each deck shall be composed of four suits: diamonds, spades, clubs and hearts.

(2) Each suit shall consist of 13 cards: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3, 2. The face of the ace, king, queen, jack and 10 value cards may contain an additional marking, as approved by the Commission, which will permit a dealer, prior to exposing his or her hole card at the Game of Black Jack, to determine the value of that hole card.

(3) The backs of each card in the deck shall be identical and no card shall

contain any marking, symbol or design that will enable a person to know the identity of any element printed on the face of the card or that will in any way differentiate the back of that card from any other card in the deck.

(4) The backs of all cards in the deck shall be designed so as to diminish as far as possible the ability of any person to place concealed markings thereon.

(5) The design to be placed on the backs of cards used by the Gaming Operation shall contain the name or trade name of the Gaming Operation and shall be purchased from a Licensed and approved vendor prior to use of such cards in Gaming activity.

(6) Each deck of cards shall be packaged separately and shall contain a seal affixed to the opening of such package.

(7) Nothing in this Section shall prohibit a manufacturer from manufacturing decks of cards with one or more jokers contained therein; provided, however, such jokers shall not be used by the Gaming Operation in the play of any Games other than Pai Gow Poker.

(8) In addition to satisfying the requirements of this section, the cards used by a Gaming Operation at poker must be visually distinguishable from the cards used by that Gaming Operation to play any other table Game.

(9) Each Gaming Operation that chooses to offer the Game of poker shall be required to have and use on a daily basis at least two visually distinguishable card backings for the cards to be used at the Game of poker. These card backings may be distinguished, without limitation, by different logos, different colors or different design patterns. In addition, Gaming Operations shall have the option of using plastic or paper cards for the Game of poker.

(b) Receipt, Storage and Distribution of Cards

(1) When decks of cards are received for use in the casino from the manufacturer or distributor thereof, they shall be placed for storage in a locked primary or secondary storage area by at least two individuals, one of whom shall be from the table Games department and the other from the Gaming Operation security department or Gaming Operation accounting

department. The primary storage area shall be located in the cashier's cage or in another secure place, the location and physical characteristics of which shall provide effective security for the items housed therein. Once the cards have been verified, these shall be moved to a primary storage area that also offers effective security for items stored therein. Cards stored in the primary storage area are those to be distributed to the pits or table supervision departments and to the Gaming tables, however, no cards may be transferred to the tables unless verified and stored pursuant to the provisions contained herein. Secondary storage areas shall be used to store surplus cards.

(2) All primary and secondary storage areas shall have two separate locks. The Gaming Operation security department shall maintain one key and the table Games department shall maintain the other key.

(3) All primary and secondary storage areas shall be equipped with Surveillance camera coverage.

(4) Immediately prior to the commencement of each Gaming day and at other times as may be necessary, a table Games department supervisor or higher, in the presence of an officer from an area independent from the Gaming tables, shall remove the appropriate number of decks of cards for that Gaming day from the primary storage area. Immediately thereafter, the table Games department supervisor shall distribute the decks to the dealer at each table, or shall place the decks into a locked compartment in the pit stand for subsequent distribution to the tables or for use as reserve decks. The keys to the locked compartment in the pit stand shall be maintained by a table Games supervisor or higher ranking employee.

(5) Prior to their use at a table, all decks shall be inspected by the dealer, and the inspection verified by a table Games department supervisor. Card inspection at the Gaming table shall require that each deck placed in use be sorted into sequence and into suit to assure that all cards are in the deck. The dealer shall also check the back of each card to assure that it is not flawed, scratched or marked in any way.

(i) If, after checking the cards, the dealer finds that a card is unsuitable for

use, a table Games department supervisor shall bring a substitute card from the card reserve in the pit stand.

(ii) The unsuitable card shall be placed in a sealed envelope or container identified by table number, date, and time and shall be signed by the dealer and floor supervisor assigned to that table. The envelope or container shall be kept in a secure place within the pit until collected by a casino security officer.

(6) All envelopes and containers used to hold or transport cards collected by security shall be transparent. The envelopes or containers and the method used to seal them shall be designed or constructed so that any tampering shall be evident.

(7) Any cards which have been opened and placed on a Gaming table shall be changed at least every 24 hours, except as otherwise provided for in these regulations. Each Gaming Operation, at their discretion, may change cards more frequently during the Gaming day.

(8) Cards damaged during the course of play shall be replaced by the dealer who shall ask a floor supervisor to bring substitute cards from the pit stand or table supervision area.

(i) The damaged cards shall be placed in a sealed envelope, identified by table number, date and time, and shall be signed by the dealer and the individual who brought the replacement card to the table.

(ii) The floor supervisor shall maintain the envelopes or containers in a secure place within the pit until collected by a Gaming Operation security officer.

(c) Collection of Cards

(1) At the end of each Gaming day or, in the alternative, at least once each Gaming day, and at such other times as may be necessary, a table Games supervisor or higher ranking employee shall collect all used cards.

(i) These cards shall be placed in a sealed transparent envelope or container. A label shall be attached to each envelope or container that shall

identify the table number, date and time and shall be signed by the dealer and floor supervisor assigned to the table.

(ii) The table Games supervisor or higher ranking employee shall maintain the envelopes or containers in a secure place within the pit until collection by a Gaming Operation security officer.

(2) The Gaming Operation shall remove any cards at any time during the day if there is any indication of tampering, flaws, scratches, marks or other defects that might affect the integrity or fairness of the Game, or at the request of the Commission.

(3) At the end of each Gaming day or, in the alternative, at least once each Gaming day, and at such other times as may be necessary, a Gaming Operation security officer shall collect and sign all envelopes or containers with damaged cards, cards used during the Gaming day, and all extra decks in card reserve with broken seals and shall return the envelopes or containers to the Gaming Operation security department.

(4) At the end of each Gaming day or, in the alternative, at least once each Gaming day, and at such other times as may be necessary, a table Games supervisor may collect all unused replacement decks found at the card reserve. If the Gaming Operation has a separate storage area for poker cards, a poker shift supervisor for that shift may collect all replacement decks in card reserve for the Game of poker. All decks of cards so collected shall either be canceled or destroyed, or returned to the storage area if unused.

(d) Inspection of Cards

(1) When the envelopes or containers of used cards and reserve cards with broken seals are returned to the casino security department, they shall be inspected for tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play. The Gaming Operation shall have inspected either:

- (i) All decks used during the day; or
- (ii) A sample of decks selected at random or in accordance with a defined

stratification plan;

(iii) The Gaming Operation shall also inspect any cards that the Commission requests the Gaming Operation to remove for the purpose of inspection, and any cards the Gaming Operation removed for having indications of tampering;

(2) The procedures for inspecting all decks required to be inspected under this subsection shall, at a minimum, include:

(i) The sorting of cards sequentially by suit;

(ii) The inspection of the backs with an ultraviolet light;

(iii) The inspection of the sides of the cards for crimps, bends, cuts and shaving; and

(iv) The inspection of the front and back of all plastic cards for consistent shading and coloring.

(3) The Person who performs such inspection shall fill out a form that will detail the procedures carried out and list the tables from which the cards were removed and the results of the inspection. Said Person shall sign the form upon completion of the inspection procedures.

(4) The Gaming Operation shall provide for appropriate and effective training procedures for those employees performing card inspections.

(5) Evidence of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play discovered at this time, or at any other time, shall be documented by the completion of a Card Discrepancy Report. One copy of the report shall be provided to the Commission Inspector on duty at the property. The Gaming Operation's copy of the report along with the cards in question shall be retained and made available to the Commission upon request.

(e) Card Inventory Procedures

(1) Each Gaming Operation shall implement a card inventory system that shall include, at a minimum, the recordation of the following:

(i) The balance of decks of cards on hand in the primary and secondary

storage areas;

(ii) The number of decks of cards removed from storage;

(iii) The number of decks of cards returned to storage or received from the manufacturer;

(iv) The date of the transaction; and

(v) The signatures of the individuals involved.

(2) The card inventory procedures shall provide for reconciliation on a daily basis of the number of decks of cards distributed, the number of decks destroyed and canceled, and the number of decks returned to the storage area.

(3) A physical inventory of the decks of cards on hand in the primary and secondary storage areas shall be taken at least once every three (3) months. This inventory shall be performed by an individual with functions that are not incompatible and shall be verified to the balance of decks of cards on hand as recorded in subsection (d) 1(i) above. Any discrepancies shall be investigated by the Gaming Operation and reported to the Commission Inspector on duty.

(f) Destruction of Cards

(1) Where cards in an envelope or container are inspected and found to be without any indication of tampering marks, alterations, missing or additional cards or anything that might indicate unfair play, those cards shall be destroyed or canceled.

(2) Destruction of cards shall be by shredding.

(3) Cancellation of cards shall be either by:

(i) Drilling a circular hole of at least one fourth of an inch in diameter through the center of each card, or by

(ii) A diagonal cut at one corner of each card. The destruction and cancellation of cards shall occur in a secure place.

Section 6.02 Dice Controls.

(a) Receipt, storage, and distribution of dice

(1) When dice for use in the Gaming Operation are received from the

manufacturer or distributor thereof, they shall be inspected by at least two persons, one of which shall belong to the Table Games Department and the other one to the Security Department or the Gaming Operation Accounting Department. Once the dice have been verified, these are to be placed in storage in the cashier's cage or a primary or secondary storage area that also provides effective safety for the articles stored therein. Dice kept in the primary storage area are those to be distributed to the pits or table supervision sections and to the Gaming tables, providing that dice that have not been verified and stored in accordance with the provisions contained herein may not be transferred to the tables. Secondary storage areas shall be used to store surplus dice.

(2) All primary and secondary storage areas shall have two separate locks. The casino Security Department shall maintain one key and the table Games Department shall maintain the other key.

(3) All primary and secondary storage areas shall be equipped with surveillance cameras to monitor the activities that occur in the dice storage areas.

(4) Immediately prior to the commencement of each Gaming day and at such other times as may be necessary, a table Games Department supervisor or higher ranking employee, in the presence of a Gaming Operation security officer shall remove the appropriate number of dice for that Gaming day from a primary storage area.

(5) All envelopes and containers used in this section for dice pre-inspected at the pit stand or in a primary storage area and for those collected by security shall be transparent. The envelopes or containers and the method used to seal them shall be designed or constructed so that any tampering shall be evident.

(6) All dice shall be inspected and distributed to the Gaming tables in accordance with one of the following applicable alternatives:

(i) Alternative No. 1: Distribution to and inspection at Gaming tables:

a) The table Games supervisor and the Gaming Operation security officer who removed the dice from the primary storage area shall

distribute sufficient dice directly to each table, or place them in a locked compartment in the pit stand, the keys to which shall be in the possession of a table Games section supervisor or higher ranking employee;

b) Immediately upon opening a table for Gaming, the table Games section supervisor shall distribute a set of dice to the table. At the time of receipt, a floor supervisor at each craps table, in order to ensure that the dice are in a condition to assure fair play and otherwise conform to these Regulations and the rules of the Games, shall, in the presence of the dealer, inspect the dice given to him or her with a micrometer or any other approved instrument which performs the same function, a balancing caliper, a steel set square and a magnet, which instruments shall be kept in a compartment at each craps table or pit stand and shall be at all times readily available for use by the Commission Inspectors upon request;

c) Following this inspection, the floor supervisor shall, in the presence of the dealer, place the dice in a cup on the table for use in Gaming, and while the dice are at the table, they shall never be left unattended;

d) The table Games section supervisor shall place extra dice for dice reserve in the pit stand. Dice in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of a table Games supervisor or higher ranking employee. No dice taken from the reserve shall be used for actual Gaming until and unless inspected in accordance with the above procedures.

(ii) Alternative No. 2: Distribution to the pit stand or table supervision area and inspection thereof:

a) The table Games section supervisor and an officer from an area independent of the table Games that removed the dice from the primary storage area shall distribute the dice directly to the floor supervisor identified in item b) below, who will perform the inspection in each pit or table supervision area.

b) The inspection of the dice at the pit stand shall be performed by a floor supervisor in the presence of another floor supervisor, both of whom are assigned the responsibility of supervising the operation and conduct of a craps Game or a Pai Gow or Pai Gow Poker Game.

c) To ensure that the dice are in a condition to assure fair play and otherwise conform to these regulations and the rules of the Games, the dice shall be inspected with a micrometer or any other approved instrument which performs the same function, a balancing caliper, a steel set square and a magnet, which instruments shall be kept at the pit stand and shall be at all times readily available for use by the Commission upon request. The inspection shall be performed on a flat surface which allows the dice inspection to be observed through closed circuit television cameras and by any persons in the immediate vicinity of the pit stand or table supervision area.

d) After completion of the inspection, the dice shall be distributed to the Gaming tables by the floor supervisor who inspected the dice, in the presence of the other floor supervisor who observed the inspection. The floor supervisor shall, in the presence of the dealer, place the dice in a cup on the table for use in Gaming, and while the dice are at the table, they shall never be left unattended. For Pai Gow or Pai Gow Poker, the dealer shall immediately place the dice in the Pai Gow or Pai Gow Poker shaker.

e) The table Games section supervisor shall place extra dice for dice reserve in the pit stand. Dice in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the table Games supervisor or higher ranking employee. No dice taken from the reserve shall be used for actual Gaming until and unless inspected in accordance with the above procedures

(iii) Alternative No. 3: Inspection in primary storage area and distribution to tables:

a) Inspection of dice for all table Games in an approved primary

storage area shall be performed by a table Games section supervisor or higher-ranking employee, in the presence of an officer from a section independent of the table Games section.

b) The dice shall be inspected with a micrometer or any other approved instrument which performs the same function, a balancing caliper, a steel set square and a magnet to ensure that the dice are in a condition to assure fair play and otherwise conform to these regulations and the rules of the Games. These instruments shall be maintained in the storage area and shall be at all times readily available for use by the Commission Inspectors upon request.

c) After completion of the inspection, the person performing the inspection shall seal the dice as follows:

1) For craps, after each set of at least five dice are inspected, they shall be placed in a sealed envelope or container; provided, however, that reserve dice may be placed in individual sealed envelopes or containers. A label that identifies the date of the inspection and contains the signatures of those responsible for the inspection shall be attached to each envelope or container;

2) For Pai Gow or Pai Gow Poker, after each set of three dice is inspected, they shall be placed in a sealed envelope or container. A label that identifies the date of the inspection and contains the signatures of those responsible for the inspection shall be attached to each envelope or container.

d) At the beginning of each Gaming day and at such other times as may be necessary, a table Games department supervisor and an officer from a section independent of the table Games section shall distribute the dice as follows:

1) For craps, the sealed envelopes or containers of dice shall be distributed to a floor supervisor in each craps pit or placed in a locked compartment in the pit stand by the supervisor. When the sealed dice are distributed to the craps table, a floor supervisor at

each craps table, after assuring the seals are intact and free from tampering, shall open the sealed envelope or container, in the presence of the dealer, and place the dice in a cup on the table for use in Gaming. While dice are on the table, they shall never be left unattended.

2) For Pai Gow or Pai Gow Poker, the sealed envelope or container shall be distributed to a floor supervisor in each Pai Gow or Pai Gow Poker pit or placed in a locked compartment in the pit stand. When the sealed dice are distributed to the Pai Gow or Pai Gow Poker table, a floor supervisor, after assuring the seal and envelopes or containers are intact and free from tampering, shall open the sealed envelope or container, in the presence of the dealer, and place the dice in the Pai Gow or Pai Gow Poker shaker.

e) When the envelope or container or the seal is damaged, broken or shows indication of tampering, the dice shall not be used for Gaming activity unless the dice are re-inspected.

f) The table Games section supervisor shall place extra sets of dice for dice reserve in the pit stand. Dice in the pit stand shall be placed in a locked compartment, keys to which shall be in the possession of the table Games supervisor or higher-ranking employee.

g) A micrometer or any other approved instrument which performs the same function, a balancing caliper, a steel set square and a magnet shall also be maintained in a locked compartment in each pit stand, and each such instrument shall be at all times readily available for use by the Commission upon request.

h) Any primary storage area in which dice are inspected in accordance with this alternative shall be equipped with closed-circuit television camera coverage capable of observing the entire inspection procedure.

(b) The Gaming Operation shall remove any dice at any time of the Gaming day if there is any indication of tampering, flaws or other defects that might affect the

integrity or fairness of the Game, or at the request of the Commission.

(1) At the end of each Gaming day or at such other times as may be necessary, the casino supervisor or higher ranking employee, other than the individual who originally inspected each die shall visually inspect each die for evidence of tampering. Such evidence discovered at this time or at any other time shall be immediately reported to the Commission by the completion and delivery of an approved Dice Discrepancy Report. One copy of the report shall be provided to the Commission inspector on duty at the facility. The Gaming Operation's copy of the report along with the die (dice) in question shall be retained and made available to the Commission upon request.

(2) Any dice showing evidence of tampering shall be placed in a sealed envelope or container. A label shall be attached to each envelope or container which shall identify the table number, date and time and shall be signed by a person assigned to directly operate and conduct the Game at that table and a table Games supervisor assigned the responsibility for supervising the operation and conduct of such Game.

(3) All other dice shall be put into envelopes or containers at this time. A label shall be attached to each envelope or container that shall identify the table number, date and time, and it shall be signed by the appropriate persons identified above. The envelope or container shall be appropriately sealed and maintained in a secure place within the pit until collection by a Gaming Operation security officer.

(4) All extra dice in dice reserve that are to be destroyed or canceled shall be placed in a sealed envelope or container, with a label attached to each envelope or container which identifies the date and time and is signed by the table Games supervisor.

(5) At the end of each Gaming day or, in the alternative, at least once each Gaming day, and at such other times as may be necessary, a Gaming Operation security officer shall collect and sign all envelopes or containers of used dice and any dice in dice reserve that are to be destroyed or canceled and shall transport them to the casino security section for cancellation or

destruction. The Gaming Operation security officer shall also collect all copies of dice discrepancy reports, if any. No dice that have been placed in a cup for use in Gaming shall remain on a table for more than 24 hours.

(6) At the end of each Gaming day or, in the alternative, at least once each Gaming day, and at such other times as may be necessary, a table Games section supervisor may collect all extra dice in dice reserve. If collected, dice shall be returned to the primary storage area, if not collected, all dice in dice reserve must be re-inspected in accordance with one of the alternatives listed in paragraph (a) (6) above, before their use for Gaming.

(c) Dice Inventory Procedures

(1) Each Franchise Licensee shall implement a dice inventory system that shall include, at a minimum, the recordation of the following:

- (i) The balance of dice on hand;
- (ii) The number of dice removed from storage;
- (iii) The number of dice returned to storage or received from the manufacturer;
- (iv) The date of the transaction; and
- (v) The signatures of the individuals involved.

(2) The dice inventory procedures shall provide for reconciliation on a daily basis of the number of dice distributed, the number of dice destroyed and canceled, and the number of dice returned to the primary storage area.

(3) A physical inventory of the number of dice on hand shall be taken at least once every three (3) months. This inventory shall be performed by an individual with no incompatible functions and shall be verified to the balance of dice on hand as specified in subsection 1.(i) above. Any discrepancies shall be investigated by the Gaming Operation and reported to the Commission inspector on duty.

d) Destruction of Dice

All destruction and cancellation of dice, other than those retained for Commission

inspections, shall be completed as follows:

- (1) Cancellation shall occur by drilling a circular hole of at least one-fourth inch in diameter through the center of each dice.
- (2) Destruction shall occur by shredding.
- (3) The destruction and cancellation of dice shall take place in a secure place approved by the Commission.

Section 6.03 Gaming Chips.

(a) Gaming chips; physical characteristics

(1) Each Gaming chip issued by a Gaming Operation shall be in the form of a disk and, shall have a uniform diameter. Each of the two surfaces of a Gaming chip across which the diameter of the chip can be measured shall be known as a "face." The surface of a Gaming chip across which its thickness can be measured in a perpendicular line from one face to the other shall be known as its "edge."

(2) With the exception of the opening series, no Gaming chip shall be issued by a Gaming Operation or utilized in a Gaming Operation unless and until:

(i) The design specifications of the proposed Gaming chip are, prior to the manufacture of the Gaming chip, submitted to and approved by the Commission, which submission shall include a detailed schematic depicting the actual size and, as appropriate, location of the following:

- a) Each face, including any indentations or impressions;
- b) The edge; and
- c) Any colors, words, designs, graphics or security measures contained on the Gaming chip; and

(ii) A sample stack of twenty (20) Gaming chips, manufactured in accordance with its approved design specifications, is submitted to, and approved by, the Commission.

(3) Each Gaming chip issued by a Gaming Operation shall be designed and manufactured with sufficient graphics or other security measures which

include but are not limited to identifying characteristics that may appear in any location at least once on each face of the Gaming chip and are applied in a manner which ensures that each such characteristic shall be clearly visible and remain a permanent part of the Gaming chip. These characteristics shall, at a minimum, include:

- (i) The denomination of the value chip, expressed in numbers;
- (ii) The name, trade name, or other approved identification of the Gaming Operation issuing the value chip, which shall be applied in such a manner so as to be visible to surveillance employees using the closed circuit television system; and
- (iii) Characteristics that to the greatest extent possible prevent the counterfeiting of the Gaming chip.

(4) No Gaming Operation shall issue, use or allow a Patron to use in its Gaming establishment any Gaming chip that it knows, or reasonably should know, is materially different from the sample of that Gaming chip approved by the Commission pursuant to this Section.

(5) A Gaming Operation may issue promotional non-Gaming chips that are prohibited from use in Gaming or simulcast wagering in any facility. The physical characteristics of such chips shall be sufficiently distinguishable from approved design specifications of any Gaming chip issued by any Gaming Operation so as to reasonably ensure that they will not be confused with authorized Gaming chips. At a minimum, such chips shall:

- (i) Be unique in terms of size or color;
- (ii) Have no edge designs unique to Gaming chips; and
- (iii) Bear the name of the Gaming Operation issuing them and language on both faces stating that they have no redeemable value.

(b) Non-value chips; physical characteristics

(1) Each Gaming chip which does not contain a denomination on either face thereof shall be known as a "non-value" chip.

(2) Each non-value chip utilized in a Gaming Operation facility shall be issued

solely for the purpose of Gaming at roulette.

(3) Each non-value chip issued by a Gaming Operation shall contain certain identifying characteristics that may appear in any location at least once on each face of the Gaming chip and shall be applied in a manner which ensures that each such characteristic shall be clearly visible and remain a permanent part of the Gaming chip. The characteristics required by subsection (c) (1) and (2) below shall be applied in such a manner so as to be visible to surveillance employees using the closed circuit television system. The identifying characteristics of a non-value chip, at a minimum, shall include:

- (i) The name, trade name, or other approved identification of the Gaming Operation issuing the non-value chip;
- (ii) A design, insert or symbol that will permit a set of non-value chips being used at a particular Gaming table to be distinguished from the non-value chips being used at every other Gaming table in the Gaming Operation;
- (iii) The word "Roulette"; and
- (iv) Such color and/or design combinations as the Commission may approve so as to readily distinguish the non-value chips of each player at a particular Gaming table from:
 - a) The non-value chips of every other player at the same Gaming table; and
 - b) The value chips issued by any Gaming Operation.

(4) Each non-value chip issued by a Gaming Operation shall contain an identifying characteristic, to be known as an "edge spot," which shall:

- (i) Be applied in a manner which ensures that the edge spot shall
 - a) Be clearly visible on the edge and, to the extent required by the Commission, on each face of the non-value chip; and
 - b) Remain a permanent part of the non-value chip;
- (ii) Be created by using the colors approved for the face of the particular non-value chip pursuant to subsection (3)iv above in combination with one or more other colors that provide a contrast with the color on the face of

the chip and that enable it to be distinguished from the non-value chips issued by any other Gaming Operation; and

(iii) Include a design, pattern or other feature approved by the Commission that a person with adequate training could readily use to identify, when viewing the non-value chip through the closed-circuit television system of the Gaming Operation, the player to whom the non-value chip has been assigned when the non-value chip is placed in a stack of Gaming chips or in any other location where only the edge of the non-value chip is visible; provided, however, that the design, pattern or feature created by the colors required by (a)2 above shall be sufficient by itself to satisfy the requirements of this paragraph if approved for that purpose by the Commission.

(c) Nature, exchange and redemption of Gaming chips; Match Play Coupons

(1) All wagering on authorized Games, other than Gaming Devices or keno, in a casino facility shall be conducted with Gaming chips or plaques; provided, however, that match play coupons shall be permitted for use in wagering at authorized Games in accordance with approved procedures. A Gaming Operation shall submit for approval to the Commission a sample of its match play coupon. Value chips previously issued by a Gaming Operation which are not in active use by that Gaming Operation shall not be used for wagering at authorized table Games and keno and shall not be accepted nor exchanged for any purpose at Gaming table, or keno work station. Such chips shall only be redeemed at the cashier's cage pursuant to subsection (g) below.

(2) Gaming chips or plaques shall be issued to a Patron only at the request of such Patron and shall not be given as change in any other but a Gaming transaction. Gaming chips and plaques shall be issued only by dealers to casino Patrons at Gaming tables. Gaming chips may be issued by chip Persons to Patrons seated at a poker table at which a Game is in progress or by general cashiers. Gaming value chips shall only be redeemed by Gaming Operation Patrons at the cashier's cage; provided, however, that value chips

may be:

- (i) Issued to a Patron in payment of a winning keno wager and as part of a keno wagering transaction in which value chips are tendered for wager;
- (ii) Issued to a Patron in payment of a hand-paid Gaming Device jackpot;
- (iii) Exchanged by a Patron at the slot booths or with change persons for currency, coin or slot tokens to play the Gaming Devices;
- (iv) Used by a Patron for keno wagering, including keno wagers in public keno areas; and
- (v) Used by a Patron as a cash equivalent when purchaseing any beverage, including those containing alcoholic liquor, on the gaming floor.

(3) Except as provided in subsections (7) and (10) below and as otherwise may be specifically approved by the Commission, each Gaming Operation shall redeem its Gaming chips and plaques only from its Patrons and shall not knowingly redeem its Gaming chips and plaques from any non-Patron source.

(4) Non-value chips shall be presented for redemption only at the Gaming table from which they were issued and shall not be redeemed or exchanged at any other location within the Gaming Establishment. When non-value chips are presented for redemption, the dealer shall accept them in exchange for an equivalent amount of value chips which may then be used by the Patron in Gaming or redeemed in the same manner as any other value chip.

(5) The Gaming Operation shall have the discretion to permit, limit or prohibit the use of value chips in Gaming at roulette, provided however, that :

- (i) No person shall be permitted to wager a value chip with a match play coupon at any roulette table at which match play coupons are permitted to be used; and
- (ii) When value chips are in use, it shall be the responsibility of the

Gaming Operation and its employees to keep accurate account of the wagers being made at roulette with value chips so that the wagers made by one player are not confused with those made by another player at the table.

(6) Each Gaming chip is solely evidence of a debt that the issuing Gaming Operation owes to the person legally in possession of the Gaming chip or plaque, and shall remain the property of the issuing Gaming Operation. Each Gaming Operation shall have the right at any time to demand that the Person in possession of the Gaming chip or plaque surrender the item for redemption in accordance with paragraph (7) below.

(7) The Gaming Operation shall redeem promptly its own genuine Gaming chips presented by a Patron in person, except when the Gaming chips or plaques were obtained or being used unlawfully. A Gaming Operation shall redeem its value chips by accepting them in exchange for an equivalent amount of cash, except as otherwise expressly permitted in this Section.

(8) Notwithstanding paragraph (7) above, if a Patron requests by mail to redeem value chips in any amount, a Gaming Operation may effectuate such redemption, however, only in accordance with internal controls approved by the Commission.

(9) The Gaming Operation shall accept, exchange, use or redeem only Gaming chips or plaques that it has issued and shall not knowingly accept, exchange, use or redeem Gaming chips or plaques, or objects purporting to be Gaming chips or plaques, that have been issued by any other person.

(10) Employees of a Gaming Operation who are authorized to receive Gaming chips as personal gratuities may redeem the Gaming chips at the cashier's cage or at another secure location in the Gaming Establishment as approved by the Commission.

(i) The Gaming Operation shall cause to be posted and remain posted in a prominent place on the front of the cashier's cage, any satellite cage, the keno booth and any satellite keno booth a sign that reads as follows:

"By law, Gaming chips or plaques issued by another Casino may not be used, exchanged or redeemed in this casino facility."

(d) Receipt of Gaming chips from manufacturer or distributor; inventory, security, storage and destruction of chips and plaques

(1) When Gaming chips are received from the manufacturer or distributor thereof, they shall be opened and checked by at least three people, one of whom shall be from the accounting or auditing department of the Gaming Operation. Any deviation between the invoice accompanying the chips and plaques and the actual chips or plaques received or any defects found in such chips or plaques shall be reported promptly to the Commission.

(2) After checking the Gaming chips or plaques received, the Gaming Operation shall cause to be recorded in a chip inventory ledger the assigned alphabetical designation, the denomination of the value chips received, the number of each denomination of value chip received, the number and description of all non-value chips received, the date of any such receipt and the signatures of the individuals who checked any such chips and plaques. If the Gaming chips will not be put into active use, the ledger shall also identify the storage location.

(3) Any Gaming chips not in active use shall be stored in:

- (i) An approved casino vault;
- (ii) The cashier's cage; or
- (iii) A comparable secure area, approved by the Commission, which is adjacent to and accessible exclusively from the Gaming Establishment.

(4) Whenever any Gaming chips are taken from or returned to an approved storage area, at least two individuals shall be present, and the following information shall be recorded in the chip inventory ledger together with the date and signatures of the individuals involved:

- (i) The alphabetical designation and if applicable, any numeric designation;
- (ii) The number and dollar amount for each denomination of value chip removed or returned;
- (iii) The number and description of the non-value chips removed or

returned;

(iv) The specific storage area being entered; and

(v) The reason for the entry into the storage area.

(5) At the end of each Gaming day, a Gaming Operation shall compute and record the unredeemed liability for each denomination of value chips. At least once every 30 days, at a minimum, each Gaming Operation shall inventory all sets of value chips in its possession and shall record the result of such inventory in the chip inventory ledger. The procedures to be utilized to compute the unredeemed liability and to inventory value chips shall be submitted to the Commission for approval. A physical inventory of value chips not in active use shall only be required annually if the inventory procedures incorporate the sealing of the locked compartment.

(6) Prior to the destruction of Gaming chips, the Gaming Operation shall notify the Commission, in writing, of the date and the location at which the destruction will be performed, the denomination, number and amount of value chips and plaques to be destroyed, the description and number of non-value chips to be destroyed and a detailed explanation of the method of destruction. Unless otherwise authorized by the Commission, the destruction of Gaming chips shall be carried out in the presence of at least two employees of the Gaming Operation, one of whom shall be from the accounting or auditing department of the Gaming Operation and one of whom shall be from any other mandatory department of the Gaming Operation. The denomination, number and amount of value chips or, in the case of non-value chips, the description and number so destroyed shall be recorded in the chip inventory ledger together with the signatures of the individuals carrying out such destruction, and the date on which said destruction took place. The Gaming Operation shall also maintain a written log of the names and License numbers of all Gaming Establishment personnel involved in each such destruction, as well as the names and addresses of all non-casino personnel involved.

(7) A Gaming Operation shall ensure that at all times there is adequate security, as approved by the Commission, for all Gaming chips in its

possession.

Section 6.04 Gaming Equipment - Table Games Controls.

Section 6.04.1 General Approvals.

(a) No Gaming Equipment and materials or any other related accessory may be used in a Gaming Establishment if the Gaming Equipment and materials have not been previously approved by the Commission or if the equipment and materials were obtained from a person not authorized by the Commission.

(b) The Gaming Operation shall make available to the Commission, or at the request of the Commission, shall submit for its review, inspection and approval, any Gaming Equipment and materials, and any other related accessories, including, but not limited to, the Gaming tables, roulette wheels, roulette balls, drop boxes, big six wheels, Pai Gow shakers, scales, count room equipment and counting machines, card dealing shoes, dice, cards, Pai Gow tiles, card reading devices, Gaming Devices, prior to its initial use or after the same has been modified, replaced or moved, in a casino.

(c) The Commission may, at its discretion, require from every manufacturer a prototype or sample of any model of Gaming Equipment or of any other device used in a casino, to remain in its custody as a control for comparison purposes.

(d) The Gaming Operation or their employees or agents shall be required to immediately notify a Commission representative about, and submit any evidence of, any Gaming Equipment or other device used in a Gaming Establishment, including, but not limited to, the Gaming tables, roulette wheels, roulette balls, drop boxes, big six wheels, Pai Gow shakers, scales, counting room equipment and counting machines, card dealing shoes, dice, cards, Pai Gow tiles, card reading devices, Gaming Devices, which has been, or there is reasonable suspicion that it may have been, tampered with or altered in such a way that the integrity or conformity of the Gaming Equipment or the device may have affected its use in a Gaming Establishment.

(e) Each Gaming Operation shall be responsible for ensuring that all Gaming Equipment or other devices found in its Gaming Establishment have been authorized by the Commission.

(f) The Commission inspector may, at any time, demand that any Gaming Equipment or device be changed, or prohibit its use, if in the opinion of the Commission inspector the same does not provide the appropriate guarantees to the public.

(g) The Gaming Operation, or their authorized employees or agents, who have retained any Gaming Equipment or any other article in accordance with the provisions of paragraph (d) above under a reasonable suspicion that said Gaming Equipment or article was tampered with or altered, or who has retained any Device of those provided in Section 6.4.2 of these Regulations under a reasonable suspicion that said Device was introduced or used in the Gaming Operation in violation of the Law or these Regulations, shall keep said Equipment or article in the state in which it was found when it was retained, and shall deliver said Equipment or article to a representative of the Commission as soon as possible. An inspector or other representative of the Commission shall proceed to prepare a report.

(h) The Gaming Operation shall be responsible for ensuring that any Gaming Equipment or any other Device and any evidence related to the same which should be submitted to a Commission representative in accordance with paragraphs (d) or (g) above is maintained in a secure manner until the arrival of the inspector or other authorized representative of the Commission.

(i) Gaming Equipment to be placed into service shall be acquired from a Licensed and Commission approved vendor.

(1) Vendors described in paragraph (i) above shall have demonstrated the

experience and knowledge to provide the requested Gaming Equipment which meets the needs of the Gaming Operator from an operational and security perspective.

Section 6.04.2 Prohibited Electronic or Electrical Devices.

No person in a Gaming Establishment shall possess, with the intent to use, or in any way use, in any Game, by himself or in concert with others, any calculator, computer or other electronic, electrical or mechanical equipment to assist in projecting the outcome of any Game or in keeping track of or analyzing the cards that have been dealt, the probabilities of change in any Game, or the playing strategies to be used, except with written authorization from the Commission specifically authorizing said person to use any of the above mentioned devices.

Section 6.04.3 Dealing Shoes; Automated Shuffling Devices.

(a) The following words and terms when used in this Section shall have the following meanings:

"Base plate" means the interior shelf of the dealing shoe on which the cards rest.

"Face plate" means the front wall of the dealing shoe against which the next card to be dealt rests and which typically contains a cutout.

(b) Cards used in card Games approved by the Commission shall be dealt from a manual or automated dealing shoe which shall be secured to the Gaming table when the table is open for Gaming activity and secured in a locked compartment when the table is not open for Gaming activity.

(c) A device which automatically shuffles cards may be utilized at card Games approved by the Commission in addition to a manual or automated dealing shoe, provided that:

(1) The automated card shuffling device and the procedures for shuffling and dealing the cards through the use of the Device are submitted to and approved by the Commission; and

(2) The security of an automated card shuffling Device conforms to the security of any dealing shoe used at the Gaming table pursuant to subsection (b) above.

(d) Each manual or automated dealing shoe shall be designed and constructed with such features as the Commission may require to maintain the integrity of the Game at which such shoe is used. Such features shall include, at a minimum, the following:

- (1) At least the first four inches of the base plate shall be opaque;
- (2) The sides of the shoe below the base plate shall be transparent or have a transparent sealed cutout unless the dealing shoe is otherwise constructed to any object from being placed into or removed from the portion of the dealing shoe below the base plate and to permit the inspection of this portion of the shoe; and
- (3) A stop underneath the top of the face plate shall preclude the next card to be dealt from being moved upwards for more than one-eighth inch distance; and
- (4) Each dealing shoe used in Blackjack and Spanish 21 shall have a mark on the side of the shoe that enables the dealer, after aligning the stack of cards against the shoe to insert the cutting card in such stack so that approximately one quarter of the stack is behind the cutting card.

(e) A baccarat dealing shoe, in addition to meeting the requirements of subsection

(d) (1) through (4) above, shall also adhere to the following specifications:

- (1) A removable lid shall be opaque from the point where it meets the face plate to a point at least four inches from the face plate;
- (2) The sides and back above the base plate shall be opaque; and
- (3) A device within the shoe shall, when engaged, prevent the cards from moving backward in the shoe.

(f) A Pai Gow poker dealing shoe, in addition to meeting the requirements of (d) above, may, in the discretion of the Gaming Operation, also contain a Device

approved by the Commission on the front of the face plate so as to preclude the players from viewing the next card to be dealt.

(g) All dealing shoes and shuffling Devices in the casino shall be inspected at the beginning of each Gaming day by a table Game supervisor assigned to the table prior to cards being placed in them. The purpose of this inspection shall be to assure that there has been no tampering with the shoe or shuffling Device.

(h) For Gaming tables at which a manual dealing shoe is utilized, the shoe shall be located on the side of the Gaming table to the left of the dealer, and the discard rack shall be located on the side of the Gaming table to the right of the dealer. For Gaming tables at which either an automated card shuffling device or an automated dealing shoe is utilized, the location of the automated device or shoe shall be approved by the Commission.

CHAPTER 7

RULES OF THE GAMES:

Section 7.01 General Rules of the Games.

(a) All basic rules to regulate the different Games prescribed by the Commission, including those adopted for experimental periods as well as the odds paid by the different authorized Games which are conducted in the Gaming Establishment, shall be available for all players in a Gaming Establishment, as approved by the Commission.

(b) The maximum and minimum wagers that are accepted for the different Games which are conducted in the Gaming Establishment shall be prominently displayed with signs placed at the Gaming table to which said maximum and minimum correspond. The Gaming Operation shall provide notice to Gaming Patrons when Gaming table limits are modified.

(c) All Games offered to be played in the casino and their associated rules shall be

submitted to and authorized by the Commission prior to implementation of play of the Game. Changes to rules of previously authorized Games shall be submitted to the Commission for review and approval prior to implementation of the rules change.

Section 7.02 New Games; Requirements and Procedures for Application.

(a) The Gaming Operation may petition the Commission for approval of a proposed Game.

(b) A petition for approval of a proposed new Game must be in writing.

(c) A proposed new Game may be a variation of an authorized Game, a composite of authorized Games, or any other Game compatible with the public interest and suitable for use in a Gaming Operation.

(d) A petition for a proposed new Game shall be in writing, signed by the petitioner, and shall include the following information:

- (1) The name of the petitioner;
- (2) Whether the Game is a variation of an authorized Game, a composite of authorized Games, or another Game which is compatible with the public interest and is suitable for use in A Gaming Operation;
- (3) A complete and detailed description of the Game for which approval is sought, including:
 - (i) A summary of the Game, including the objectives of the Game, the method of play and the wagers offered;
 - (ii) The draft of proposed rules describing the equipment used to play the Game, and the proposed rules of the Game;
 - (iii) The true odds, the payout odds, and the house advantage for each wager;
 - (iv) A sketch or picture of the Game layout, if any; and
 - (v) Sketches or pictures of the equipment used to play the Game.

- (4) Whether the Game, its name, or any of the equipment used to play it is covered by any copyrights, trademarks or patents, either issued or pending;
 - (5) Request for a test or experiment of the Game; and
 - (6) Any other pertinent information or material requested by the Commission.
- (e) In making a determination whether a proposed new Game is an acceptable variation of an authorized Game or a composite of authorized Games, or is compatible with the public interest, the Commission may consider rules and method of play; true and payout odds; wagers offered; layout; equipment used to play the Game; personnel requirements; Game security and integrity; similarity to other authorized Games or other Games of chance; other variations or composites of the Game previously approved as authorized Games; as well as any other relevant factors. Any such determination shall be subject to a condition that the Game must undergo a successful test for suitability of use in a Gaming Operation.
- (f) No proposed Game may be implemented for Gaming Operation play until it has been approved by the Commission.

CHAPTER 8

ADDITIONAL CONTROLS:

Section 8.01 Currency Transaction Reporting.

- (a) Currency Transaction Reporting Standards
 - Each Gaming Operation with annual Gross Gaming Revenues in excess of \$1,000,000 shall establish, and the Gaming Operation shall comply with, procedures for the reporting of currency transactions in excess of \$10,000 that appear to be transacted to avoid filing requirements of the Bank Secrecy Act known as Title 31 (31 CFR, part 103).
- (b) Definitions for purposes of this Section.
 - (1) Currency is the coin and paper money of the United States or of any other country that is designated as legal tender.

(2) Customer includes every person that is involved in a transaction with a casino, whether or not that person participates, or intends to participate, in the Gaming activities offered by that Gaming Establishment.

(3) Established customer is a person with an account with the Gaming Operation, including an authorized credit or customer deposit account where the Gaming Operation has obtained and maintains on file the person's name and address, as well as taxpayer identification number or social security or employer identification number or, if none, alien identification number or passport number.

(4) Gaming Operation is a gambling establishment that is duly Licensed or authorized to do business as such in the United States, or territory or possession of the United States, and has gross annual Gaming Revenue in excess of \$1 million.

(5) Monetary instruments are:

(i) Currency;

(ii) Traveler's checks in any form;

(iii) All negotiable instruments including personal checks, business checks, official bank checks, cashier's checks, third-party checks, promissory notes and money orders that are either in bearer form, endorsed without restriction, or otherwise in such form that title thereto passes upon delivery;

(iv) Securities or stock in bearer form or otherwise in such form that title thereto passes upon delivery.

(6) Person is an individual, a corporation, a partnership, a trust or estate, a joint stock Person, an association, a syndicate, joint venture, or other unincorporated organization or group, and all entities recognized as legal personalities.

(7) Structure or Structuring is the process of a person engaging in a transaction or transactions, whether acting alone or in conjunction with others or on behalf of others, who conducts or attempts to conduct one or more transactions in currency, in any amount, at one or more Gaming Operations on

one or more days, in any manner, for the purpose of evading the reporting requirements under this Section.

(8) Transactions include, but are not limited to, deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or redemption of Gaming Operation chips or tokens, or other Gaming instruments or any other payment, transfer, or delivery, by through, or to a Gaming Operation, by whatever means effected.

(9) Gaming day is the normal business day of a Gaming Operation. For a casino that offers 24 hour Gaming, the term means that twenty-four (24) hour period by which the Gaming Operation keeps its books and records for business, accounting, and tax purposes.

(10) Affiliate(s) are business companies, organizations, or individuals who are affiliates of each other if, directly or indirectly, either one has the power to control the other, or a third party controls or has the power to control both.

(c) Currency Transactions. Each Gaming Operation shall file a report with the Commission and Financial Crimes Enforcement Network (FinCEN) of each currency transaction or multiple currency transactions, involving cash-in or cash-out in the same Gaming day, of more than \$10,000. Cash-in transactions shall not be combined with Cash-out transactions, but shall be aggregated separately in order to determine that the reporting threshold is met.

(1) Cash-in transactions include, but are not limited to, the following:

- (i) Purchases of chips, tokens, and plaques;
- (ii) Front money deposits;
- (iii) Safekeeping deposits;
- (iv) Payments on any form of credit, including markers;
- (v) Bets of currency;
- (vi) Currency received by a Gaming Operation for transmittal of funds through wire transfer for a customer;
- (vii) Purchases of a Gaming Operation check; and
- (viii) Exchanges of currency for currency, including foreign currency.

(2) Cash-out transactions include, but are not limited to, the following:

- (i) Redemptions of chips, tokens, and plaques;
- (ii) Front money withdrawals;
- (iii) Safekeeping withdrawals;
- (iv) Advances on any form of credit, including markers;
- (v) Payments by a Gaming Operation to a Patron for winning bets;
- (vi) Payments by a Gaming Operation to a Patron based on receipt of funds through wire transfer for credit to a Patron;
- (vii) Cashing of checks or other negotiable instruments;
- (viii) Exchanges of currency for currency, including foreign currency; and
- (ix) Reimbursements for Patron's travel and entertainment expenses by the Gaming Operation.

(d) Multiple Transactions and Multiple Transactions Logs.

(1) Multiple currency transactions shall be treated as single transaction if the casino has knowledge that they are by or on behalf of any Person and result in either cash in or cash out totaling more than \$10,000 during any Gaming day.

(2) For purposes of this subsection (d), a Gaming Operation shall be deemed to have the knowledge, if: any sole proprietor, partner, officer, director, or employee of the casino, acting within the scope of his or her employment, has knowledge that such multiple currency transactions have occurred, including knowledge from examining the books, records, logs, information retained on magnetic disk, tape or other machine-readable media, or in any manual system, and similar documents and information, which the casino maintains pursuant to any law or regulation or within the ordinary course of its business, and which contain information that such multiple currency transactions have occurred.

(3) The Gaming Operation shall aggregate the same type transactions occurring in excess of \$3,000, during a designated twenty-four (24) hour period, by establishing multiple transaction logs at each of the following areas:

- (i) At a single specific cage;

- (ii) At a single specific Gaming pit; or
- (iii) At another single specific Gaming or other monitoring area as specified in the Gaming Operation's system of internal controls.

(4) Before completing a cash transaction with a customer that, when aggregated with others, shall exceed the \$10,000 reporting threshold, the Gaming Operation shall complete the identification and record keeping requirements described in subsection (e) below and comply with subsection (c) above.

(e) Report Filing Requirements

A report required by subsection (c) above shall be filed by the Gaming Operation as required by Federal law. All reports (FinCEN Form 103) required to be filed shall be filed with the Commissioner of Internal Revenue and the Commission unless otherwise specified.

- (1) Before concluding any transaction wherein a report is required to be filed, the Gaming Operation shall;
 - (i) Obtain the Patron's name, address, social security or employer identification number;
 - (ii) Make reasonable attempts to obtain identification credentials such as:
 - (A) Driver's License;
 - (B) Passport;
 - (C) Non-resident alien identification card;
 - (D) Other reliable Government Issue identification credentials; or
 - (E) Other identification credentials normally acceptable when cashing checks.
- (2) Examine identification credentials specified in subsection 1 above, and record on the report the specific identifying information.

(f) Records to be maintained by Gaming Operations. Each Gaming Operation shall record and maintain the name, address and social security number of a customer who opens an account, deposits funds or receives a line of credit. At

the time the account is opened, funds deposited or line of credit is approved, the name and address shall be verified by the examination of credentials described in subsection (e)(1). Other records to be maintained include:

- (1) Receipt of funds from Patrons;
- (2) Bookkeeping entries of debit or credits to the Patron's account;
- (3) Statement or ledger card showing deposits, withdrawals, transfers or other activity to the Patron's account;
- (4) Record of extension of credit in excess of \$2,500;
- (5) Record of advice, request or instruction received or given by a Gaming Operation for itself or another person with respect to a transaction outside the United States;
- (6) Records prepared or received by the Gaming Operation in the ordinary course of its business needed to reconstruct a Patron's account activity;
- (7) All records, documents or manuals required to be maintained by State laws or Regulations and the Commission;
- (8) All records prepared by the Gaming Operation to monitor a Patrons Gaming activity;
- (9) A separate record (log) containing a list of each transaction between the Gaming Operation and its Patrons involving the following types of instruments with a value of \$3,000 or more:
 - (i) Personal checks;
 - (ii) Business checks;
 - (iii) Official bank checks;
 - (iv) Cashier's checks;
 - (v) Third party checks;
 - (vi) Promissory notes;
 - (vii) Travelers checks; and
 - (viii) Money orders.
- (10) The record in subsection (f)(9) above shall contain the following:
 - (i) Date;
 - (ii) Time;

- (iii) Amount;
- (iv) Patron's name;
- (v) Patron's address;
- (vi) Name of drawee or issuer;
- (vii) All reference numbers on the instrument; and
- (viii) Name or License number of the Gaming Operation employee who conducted the transaction.

(11) Records required by this subsection shall be retained for a period of five(s) years.

(12) Wherever an original or a microfilm or other copy or reproduction of a check, draft, monetary instrument, investment security, or other similar instrument, is required to be maintained, a copy of both front and back of each such instrument or document shall be maintained.

(13) All such records shall be filed or stored in such a way as to be accessible within a reasonable period of time.

Section 8.02 Suspicious Transaction Reporting.

(a) The Gaming Operation shall file, with the Financial Crimes Enforcement Network (FinCEN) and the Commission, to the extent and in the manner required by this Section, a report of any suspicious transaction or transactions relevant to a possible violation of law or regulation. A Gaming Operation may also file with FinCEN, a Suspicious Activity Report by Casinos (FinCEN Form 102), or otherwise, a report of any suspicious transaction that it believes is relevant to the possible violation of any law or regulation but whose reporting is not required by this Section.

(b) SARC Reporting Requirements. A transaction requires reporting under the terms of this Section if it is conducted or attempted, by, at, or through a Gaming Operation, and involves or aggregates to at least \$5,000 in funds or other assets, and the Gaming Operation knows, suspects, or has reason to suspect that the transaction or a pattern of transactions of which the transaction is a part:

(1) Involves funds derived from illegal activity or is intended or conducted in order to hide or disguise funds or assets derived from illegal activity (including, without limitation, the ownership, nature, source, location, or control of such funds or assets) as part of a plan to violate or evade any Federal law or regulation or to avoid any transaction reporting requirement under Federal law or regulation or of the Commission.

(2) Is designed, whether through structuring or other means, to evade any requirements of this part or of any other regulations promulgated under the Bank Secrecy Act;

(3) Has no business or apparent lawful purpose or is not the sort in which the particular Patron would normally be expected to engage, and the Gaming Operation knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction; or

(4) Involves use of the Gaming Operation to facilitate criminal activity.

(c) Filing Procedures.

(1) A suspicious transaction shall be reported by completing a Suspicious Activity Report by Casinos (FinCEN Form 102), and collecting and maintaining supporting documentation as required by subsection (e) of this Section;

(2) The SARC shall be filed with FinCEN in a central location, to be determined by FinCEN, as indicated in the instructions to the SARC;

(3) A SARC shall be filed no later than thirty (30) calendar days after the date of the initial detection by the Gaming Operation of facts that may constitute a basis for filing a SARC under this Section. If no suspect is identified on the date of such initial detection, a Gaming Operation may delay filing a SARC for an additional thirty (30) calendar days to identify a suspect, but in no case shall reporting be delayed more than sixty (60) calendar days after the date of such initial detection. In situations involving violations that require immediate attention, such as ongoing money laundering schemes, the casino shall

immediately notify by telephone an appropriate law enforcement authority in addition to filing timely a SARC. Gaming Authorities' wishing voluntarily to report suspicious transactions that may relate to terrorist activity may call FinCEN's Financial Institutions Hotline in addition to filing timely a SARC if required by this Section.

(d) Exceptions to Filing SARC'S.

A Gaming Operation is not required to file a SARC for a robbery or burglary committed or attempted that is reported to appropriate law enforcement authorities.

(e) Records to be retained by Gaming Operations.

A Gaming Operation shall maintain a copy of any SARC filed and the original or business record equivalent of any supporting documentation for a period of five years from the date of filing the SARC. Supporting documentation shall be identified as such and maintained by the Gaming Operation, and shall be deemed to have been filed with the SARC. A Gaming Operation shall make all supporting documentation available to FinCEN, any other appropriate law enforcement agencies or Federal, State, local or Commission upon request.

(f) Confidentiality of Reports; Limitation of Liability.

No Gaming Operation, and no director, officer, employee, or agent of any Gaming Operation, who reports a suspicious transaction under this part, may notify any person involved in the transaction that the transaction has been reported. Thus, any person subpoenaed or otherwise requested to disclose a SARC or the information contained in a SARC, except where such disclosure is requested by FinCEN or another appropriate law enforcement or regulatory agency, shall decline to produce the SARC or to provide any information that would disclose that a SARC has been prepared or filed, citing the requirements of Title 31 U.S.C. and shall notify FinCEN of any such request and its response thereto. A Gaming Operation, and any director, officer, employee, or agent of

such casino, that makes a report pursuant to this Section, whether such report is required by this section or made voluntarily, shall be protected from liability for any disclosure contained in, or for failure to disclose the fact of, such report, or both, to the extent provided by Title 31 U.S.C.

(g) Currency Transactions and Suspicious Transactions Compliance Programs.

(1) The Gaming Operation shall develop and implement a written program reasonably designed to assure and monitor compliance with the requirements set forth in this Section.

(2) At a minimum, each compliance program shall provide for:

- (i) A system of internal controls to assure ongoing compliance;
- (ii) Internal and/or external independent testing for compliance;
- (iii) Training of Gaming Operation personnel, including training in the identification of unusual or suspicious transactions, to the extent that the reporting of such transactions is required by applicable law or regulation, or by the Gaming Operation's own administrative and compliance policies;
- (iv) An individual or individuals to assure day-to-day compliance;
- (v) Procedures for using all available information to determine:
 - a) When required by this Section, the name, address, social security number, and other information, and verification of the same, of a person;
 - b) When required by this section, the occurrence of unusual or suspicious transactions; and
 - c) Whether any record must be made and retained; and
- (vi) For Gaming Operations that have automated data processing systems, the use of automated programs to aid in assuring compliance.

Section 8.03 CTR and Suspicious Activity Report Filings by the Commission.

(a) The Commission shall at its discretion, subsequent to an investigation or audit, direct that the casino operator file a suspicious activity report for a transaction in

the event the Gaming Operation has not prepared a CTR or SARC.

(b) The circumstances and relevant facts resulting in the Commission directive to the Gaming Operation to file a CTR or SARC shall be discussed with the Gaming Operation.

(c) Where disagreements arise between the Gaming Operation and the Commission as to the reasons for filing a CTR or SARC, the Commission decision shall prevail.

CHAPTER 9

EXCLUSIONS:

Section 9.01 Exclusion For Cause.

(a) Exclusion List; Creation; Effect. Subject to the requirements of this Section, the Commission shall establish and maintain an Exclusion List. The Exclusion List shall include the names of all persons that the Commission has determined will not under any circumstances be allowed to enter any Gaming Establishment or participate in any Class II or Class III Gaming.

(b) Information to be included on the Exclusion List. The following information, to the extent known, shall be provided for each Excluded Person:

- (1) full name; date of birth; and all aliases;
- (2) a physical description;
- (3) the effective date the Excluded Person's name was placed on the list;
- (4) a photograph, if available;
- (5) the Excluded Person's occupation and his current home and business address;
- (6) the specific reason for exclusion;
- (7) the date, if any, the exclusion will expire ; and
- (8) such other information as may be deemed necessary by the Commission.

(c) Criteria for Exclusion or Ejection and Placement on an Exclusion List. The Commission may, based upon the recommendation of the Manager or on its own initiative, subject to the hearing procedures described in Chapter 11, place a person on the Exclusion List if:

(1) such Person has been convicted of, or pled guilty or not contest to, any felony, and Gaming related crime, or any other crime involving dishonesty, including without limitation, theft, robbery, burglary, embezzlement, or a conspiracy to commit or be an accessory to any such crime;

(2) such Person has violated or conspired to violate any provisions of the the Act, the IGRA, these Regulations, the Compact or other applicable law;

(3) such person has a notorious or unsavory reputation that would likely undermine public confidence and trust in the integrity of Gaming. Descriptions or examples of the types of conduct, habits, and associations that would produce such a reputation shall be included in these Regulations;

(4) such person has been recognized by the observation of one or more reliable witnesses as a person who counts cards or engages in other forms of cheating or manipulation of Games; or

(5) the person's name appears on any valid and current Exclusion List from another jurisdiction and the reason for such persons exclusion in the other jurisdiction would also be likely to result in exclusion from Gaming Establishments located within the Commission's jurisdiction.

(d) Procedure for Entry of Names.

(1) Meets Criteria. It shall be the duty of the Management of the Gaming Establishment to inform the Commission in writing of the name of each person that the Management reasonably believes meets the criteria for placement on the Exclusion List, as established by paragraph (c) above. The Commission shall notify the Management in writing, following the investigation and hearing described in this subsection whether or not the Commission concurs with the Management's recommendation to place a

person's name on the Exclusion List.

(2) Investigation. Upon receipt of a recommendation from the Manager of the Gaming Establishment, the Executive Director of the Commission shall conduct or cause to be conducted an investigation regarding every person whose name is recommended to be placed on the Exclusion List. Upon a determination by the Executive Director that there are adequate grounds to add a person's name to the Exclusion List under the criteria listed in subsection (c) above, the Executive Director shall prepare and submit to the Commission an investigative report and recommendation regarding whether or not the person's name should be added to the Exclusion List. The investigative report shall include all identifying information concerning the person and shall fully describe the grounds upon which the recommendation is based. Pursuant to Chapter 11, written notice of the recommendation shall be given to the person who is the subject of the recommendation and that person must be informed of the opportunity to present evidence and testimony to the Commission concerning the recommendation.

(3) Determination. If the Commission determines that the person's name should not be added to the Exclusion List, the person's name shall not be added to the List and such person shall not be denied access to the Gaming Establishment. If the Commission determines that the person's name should be added to the Exclusion List, or such person fails to appear at the hearing or fails to present any relevant evidence or testimony to rebut the investigative report and recommendation from the Executive Director, such person's name shall be promptly added to the Exclusion List. The Commission shall promptly notify the person in writing of the Commission's determination to add or not to add the person's name to the Exclusion List. The Commission may place a person's name on the Exclusion List either permanently or temporarily. If a person's name is placed on the Exclusion List by the Commission temporarily, the Commission shall inform the person in the notice of the Commission's decision and the period of time that person's name will be on the Exclusion List. Once placed in the Exclusion List, a person

shall remain on the Exclusion List for a minimum period of two (2) years.

(e) Removal from the Exclusion List. Any Excluded Person may petition the Commission in writing at any time, but not more frequently than annually, to have their name removed from the List.

(f) Duty to Exclude. It shall be the duty of the Commission and the Management of the Gaming Establishment to exclude or eject from the Gaming Establishment any Excluded Person. Any Primary Management Official or Key Employee of a Gaming Operation who knows or has reason to know that an excluded person has entered or is attempting to enter a Gaming Establishment shall be responsible for notifying appropriate security and surveillance staff and taking other action within the scope of the employee's authority and responsibility.

(g) Distribution and Availability of Exclusion Lists. The Exclusion list shall be regularly updated and shall be distributed to the Gaming Establishment. The list shall be made available to law enforcement agencies by subpoena or upon request to the extent the law enforcement agency can establish a legitimate need for the list.

(h) The Gaming Operation may temporarily exclude Patrons for business reasons to the extent consistent with applicable law concerning discrimination.

Section 9.02 Compulsive Gambling and Self-Exclusion.

(a) Compulsive Gambling Training

As approved by the Commission, the Gaming Operation shall establish a training program and identify a person to be responsible for training, or coordination of training to ensure that regulatory requirements of this section are implemented, administered and monitored to maintain the minimum standards.

(b) Comprehensive Employee Training Plan

The employee training plan, established by the Gaming Operation shall include training manuals and other materials necessary to educate employees about

compulsive gambling issues. The training plan shall include, but not be limited to, instruction in the psychology of the compulsive gambler, methods of recognizing compulsive gambling behavior, intervention techniques and other relevant subjects.

(1) The plan should include specific, detailed procedures to determine appropriate intervention techniques and Management's policy concerning carrying out the intervention techniques in a given circumstance;

(2) Intervention techniques to be employed where a compulsive gambling problem is identified or suspected;

(i) Assistance and referral programs, including specific resources and training on how to discuss compulsive gambling with a Patron and give advice concerning access to available services; and

(ii) Printed materials to educate Patrons about compulsive gambling and inform them of local that shall be conspicuously displayed and available to the public. The materials may include signs and posters located inside the casino premises, brochures discussing compulsive gambling issues and sources of treatment and information. The training plan shall specify the source of the printed materials and how the proposed information distribution will be accomplished.

(c) Employees Who Must Attend Compulsive Gambling Training

(1) All Gaming supervisory employees whose primary responsibilities require that they be present in the Gaming room; all security personnel whose primary duties require that they perform their services in the Gaming room; persons employed as credit hosts; persons employed in player development; and any other person(s) that the Gaming Operation may designate shall attend training sessions.

(2) All persons required to attend Compulsive Gambling training, shall have completed the program. Thereafter, any person promoted into a position that requires that they attend the Compulsive Gambling training or any person hired into such a position, shall complete the required training within a

reasonable period of ninety (90 days) of such promotion or employment.

(3) A record of all persons having attended the required Compulsive Gambling training shall be maintained by the person designated by casino Management as the trainer or coordinator of training and a copy of that record shall be supplied to the Human Resources Department and at the completion of each training cycle, and to the Commission, upon request.

(4) Management shall establish a policy determining the frequency of such training on a refresher basis.

(d) Voluntary Exclusion of Patrons

The Gaming Operation may accept requests from Patrons to voluntarily exclude themselves from the casino in accordance with the requirements of this Section.

(1) Request for Self-Exclusion. Any person who requests to be placed on the Self-Exclusion List shall submit a request for a Self-Exclusion form to the Gaming Operation in person. The requestor shall complete and sign the form in the presence of an employee of the Gaming Operation and the Gaming Operation shall photograph the person requesting Self-Exclusion. The completed and signed request form along with the requestors photograph shall be maintained by the Gaming Operation. A copy of the request form and photograph of the requestor shall be forwarded to the Commission. Once the requestor has been photographed and completed the request form, the requestor shall be placed on an the Self-Exclusion List as a voluntary exclusion.

(2) A self-exclusion request form shall be in a form prescribed by the Commission, which form shall include the following identifying information concerning the person submitting the request for Self-Exclusion:

- (i) Name, including any aliases or nicknames;
- (ii) Date of birth;
- (iii) Address of current residence;
- (iv) Telephone number of current residence;

- (v) Social security number, which information is voluntarily provided in accordance with Section 7 of the Privacy Act, 5 U.S.C. 552a; and
 - (vi) A physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person.
- (3) A Patron who voluntarily requests to be placed on the Excluded Persons List shall be advised that they are, thereafter, not permitted to gamble at the Gaming Operation and are not permitted to enter the Gaming Operation.
- (4) Any voluntarily-excluded person, located in the Gaming Operation, shall be asked to leave the premises and the voluntary status may be changed to involuntary if requested by Gaming Operation Management and approved by the Commission.
- (e) Duties of the Gaming Operation. Once a Patron has been placed on the Excluded Persons List, the Gaming Operation shall establish procedures that are designed, to the greatest extent practicable, to:
- (1) Permit appropriate employees of the Gaming Operation to identify a self-excluded person when present in a Gaming Operation and, upon such identification, notify:
 - (i) Those employees of the Gaming Operation designated to monitor the presence of self-excluded persons; and
 - (ii) Designated representatives of the Commission;
 - (2) Refuse wagers from and deny any Gaming privileges to any self-excluded person;
 - (3) Deny casino credit, check cashing privileges, player club membership, complimentary goods and services, junket participation and other similar privileges and benefits to any self-excluded person;
 - (4) Ensure that self-excluded persons do not receive, either from the Gaming Operation or any agent thereof, junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional

materials relating to Gaming activities from the Gaming Operation; and

(5) Notwithstanding the above, a Gaming Operation shall not be responsible for permitting a self-excluded person to participate in Gaming activity if that person presents a false identification or otherwise attempts in deceiving the Gaming Operation as to his identity.

(6) Any self-excluded person who has engaged in Gaming in the Gaming facility prior to detection and whose Gaming has resulted in Patron win by the self-excluded person shall forfeit all winnings immediately upon detection of the self-excluded person by either the Gaming Operation or Commission. A Gaming Operation shall not reimburse any losses incurred by a self-excluded person.

(7) Enforce the provisions of this Section.

(f) Patrons placed on the voluntary exclusion list may not return to the casino until their written request for the exclusion to be rescinded is made to the Commission and the Commission has provided that person with written permission to return. The excluded person's name will then be removed from the exclusion list and their privileges shall be restored.

(g) Length of Exclusions and Requests for Reinstatements

(1) On the first request to be voluntarily excluded, the Patron shall wait a minimum of one (1) year before requesting to be removed from the exclusion list;

(2) On the second request to be voluntarily excluded, the Patron shall wait a minimum of two (2) years before requesting to be removed from the exclusion list; and

(3) On the third request to be voluntarily excluded, the Patron is excluded for life. The exclusion will be entered as an involuntary exclusion and the Patron cannot request to be removed from the list.

(h) Official Self-exclusion List. The Commission shall maintain the official Self-

Exclusion List and shall notify the Gaming Operation of any additions to or deletions from the list by Electronic Mail or Facsimile.

(i) The Gaming Operation shall maintain its own copy of the Self-Exclusion list and shall establish procedures to ensure that its copy of the Self-Exclusion List is updated immediately upon receipt of additions and deletions from the Commission; and that all appropriate employees and agents of the Gaming Operation are notified of the changes received. The notice provided by the Commission shall include the name and date of birth of any person whose name shall be removed from the Self-Exclusion List and the following information concerning any person whose name shall be added to the Self-Exclusion List:

- (1) Name, including any aliases or nicknames;
- (2) Date of birth;
- (3) Address of current residence;
- (4) Telephone number of current residence;
- (5) Social security number, if voluntarily provided by the person requesting self-exclusion;
- (6) A physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person; and
- (7) A copy of the photograph taken by the Gaming Operation or provided by the Commission, if available.

(j) Information furnished to or obtained by the Commission shall be deemed confidential and not be disclosed except in accordance with this Section.

(k) The Gaming Operation or employee or agent thereof shall disclose the name of, or any information about, any person who has requested self-exclusion to anyone other than employees and agents of the Gaming Operation whose duties and functions require access to such information. Notwithstanding the foregoing,

the Gaming Operation may disclose the name of and information about a self-excluded person to other Gaming regulatory agencies.

(l) The Gaming Operation shall submit a copy of its procedures established pursuant to the requirements of this Section to the Commission. Any amendments to said procedures shall be submitted to the Commission prior to their implementation. If the Commission does not object to said procedures or amendments thereto within forty-five (45) days after receipt, such procedures or amendments shall be deemed to be approved.

CHAPTER 10

MISCELLANEOUS PROVISIONS:

Section 10.01 Sanctions.

(a) The Commission may initiate regulatory enforcement actions against any Person Licensed under the Act and these Regulations.

(b) Any Person who willfully fails to report, pay or truthfully account for and pay any License Application, investigative or fees imposed by the provisions of the Act and these Regulations, or willfully attempts in any manner to evade or defeat any such fee, or payment thereof shall be subject to regulatory sanctions and shall be liable for the imposition of a sanction of three times the amount of the License fee evaded and not paid, collected or paid over to the Commission.

(c) Any person who, without obtaining the requisite License as provided for by these Regulations works or is employed in a position whose duties would require Licensing under the provision of these Regulations shall be liable for the imposition of sanctions and subject to a fine of not more than \$1,000 and/or suspension or revocation of Licensure.

(d) In addition to any monetary sanction, the Commission shall, after appropriate hearing and factual determinations, have the authority to impose the following sanctions upon any Person Licensed pursuant to the Act and these Regulations:

(1) Revoke the License of any person convicted of any criminal offense for

which disqualification would result.

(2) Suspend the License of any person pending a hearing and determination in any case in which License revocation could result.

(3) Suspend or revoke the ability of any Gaming Operation for violation of any provisions of the Act or these Regulations relating to Gaming Operations.

(4) Assess civil penalties as may be necessary to punish misconduct and to deter future violations, which such penalties may not exceed \$5,000 in the case of any employee Licensee and, in the case of the Gaming Operation, the penalty may not exceed \$10,000 for each violation. The Commission may, as it deems necessary, assess civil fines against a Gaming or Non-Gaming Supplier greater than those prescribed for Licensees or the Gaming Operation.

(5) Issue warning letters, letters of reprimand or censure, which letters shall be made a permanent part of the file of each Licensee so sanctioned.

(e) In considering appropriate sanctions in a particular case the Commission shall consider:

(1) The risk to the public and to the integrity of Gaming operations created by the conduct of the person facing sanctions;

(2) The seriousness of the conduct and whether the conduct was purposeful and with knowledge that it was in contravention of the Act and these Regulations;

(3) Any justification or excuse for such conduct;

(4) The prior history of the Licensee with respect to compliance with the Act and these Regulations;

(5) The corrective action taken by the Licensee to prevent future misconduct of a like nature from occurring;

(6) In the case of a monetary penalty, the amount of the penalty in relation to the severity of the misconduct and the financial means of the Licensee. The Commission may impose any schedule or terms of payment of such penalty, as they may deem appropriate; and

(7) It shall be no defense to any regulatory enforcement or disciplinary action

before the Commission that the Applicant or Licensee inadvertently, unintentionally, or unknowingly violated a provision of this Act or Regulations. Such factors shall only go to the degree of the sanction to be imposed by the Commission.

(f) A violation of any provision of these Regulations, which is an offense of a continuing nature, shall be deemed to be a separate offense on each day during which it occurs. Nothing herein shall be deemed to preclude the Commission from finding multiple violations within a day of those provisions of these Regulations which establish offenses consisting of separate and distinct acts.

Section 10.02 Patron Complaints.

(a) A patron who makes a complaint to personnel of the Gaming Operation over the play or operation of any game within seventy-two (72) hours of the disputed play or operation shall be advised in writing by the Gaming Operation of his or her right to request resolution of the complaint by the Commission, and if dissatisfied with that resolution, to timely proceed to a resolution by a Commission Hearing.

(b) Upon written request by the patron to the Commission for a resolution of his or her complaint using a form provided by the Commission, the Commission shall conduct a complete investigation, shall provide to the patron a copy of its regulations concerning patron complaints, and shall render a decision. The decision shall be issued within thirty (30) days of the patron's request, shall be in writing, shall be based on the facts surrounding the dispute, and shall set forth the reasons for the decision.

(c) The Commission or the hearing examiner may at its sole discretion decline to resolve the patron's complaint if:

(1) the Commission determines that the patron did not first give the Gaming Operation reasonable opportunity to

- resolve the complaint prior to requesting a resolution by the Commission;
- (2) the disputed amount is less than \$500.00 USD;
 - (3) the Commission determines that the nature of the complaint is not sufficiently gaming-related;
 - (4) the written request by the patron to the Commission is not on the form provided by the Commission;
 - (5) the patron did not fill out the form provided by the Commission with sufficient detail to conduct an investigation; or
 - (6) the written request by the patron to the Commission was submitted to the Commission or was postmarked more than seventy-two (72) hours after the disputed play or operation.
- (d) If the patron is dissatisfied with the decision of the Commission, or no decision is issued by the Commission within the thirty (30) day period, the patron may request that the complaint be settled by a Commission Hearing in accordance with Rules of Procedure for Hearings contained in Chapter 11 of these Regulations. The hearing shall take place in a location determined by the Commission.

Section 10.03 Patron Complaint Hearing Review.

- (a) The Commission or the hearing examiner may at its sole discretion, upon written request made by the Patron within 7 days after the hearing decision is served on all parties, order a hearing review upon such terms and conditions as it may deem just and proper.
- (b) A request for a hearing review must not be granted except upon a showing that:
 - (1) The Commission or the hearing examiner has

- clearly misconstrued applicable law; or
- (2) There exists additional evidence which is material and reasonably calculated to change the hearing decision, and sufficient reason existed for the party's failure to present such additional evidence at the hearing.
- (c) Rebuttal evidence to the additional evidence may be admitted and considered by the Commission or hearing officer.
- (d) The Commission or the hearing examiner shall determine whether to modify or let stand the original hearing decision, and shall notify all parties in writing of that determination within 30 days of the request for a hearing review.

CHAPTER 11

RULES OF PROCEDURE FOR HEARINGS:

Section 11.01 Scope of Rules of Procedure.

For purposes of this Chapter, the term "Petitioner" refers to an Applicant, Licensee, Excluded Person, Patron, or other Person who is challenging a Commission decision as described in the Act. The term "Respondent" refers to any Person who is the subject of an enforcement proceeding initiated by the Commission. The terms "Petitioner" and "Respondents" are collectively referred to herein as "Petitioner/Respondent".

Section 11.02 Notice of Hearing.

Except as provided otherwise in this Act or the Regulations, the Commission shall provide written notice to the Petitioner/Respondent of the hearing at least seven (7) days prior to the date set for the hearing. The day the Petitioner/Respondent receives the notice shall be considered a full day's notice under this Section. The notice shall be sent by registered or certified mail, or may be personally served upon the Petitioner/Respondent by a member of the Commission Staff. The notice shall state the date, time and place of the hearing. The notice shall also

contain an indication of the action(s) being considered by the Commission, including, but not limited to:

- (a) whether the Commission is holding the hearing for the purpose of obtaining further information from the Petitioner/Respondent;
- (b) whether the Commission will be considering the grant or denial of the License Application;
- (c) whether the Commission will be examining any alleged violations of the Act, the Compact, IGRA, the conditions of any License issued by the Commission, any Commission order, these Regulations or any other applicable laws, regulations or agreements;
- (d) whether any other sanctions or penalties will be considered; or
- (e) whether the Commission will be considering overturning or upholding a decision made by an agent of the Commission.

The notice shall also contain a short, plain statement of the reasons the Commission determines the hearing is necessary.

Section 11.03 Ex Parte Communications.

- (a) Prohibited. No ex parte communication relative to the action(s) being considered by the Commission, or a threat or offer of reward shall be made, before a decision is rendered, to any member of the Commission by or on behalf of the Petitioner/Respondent or the Petitioner/Respondent's attorney.
- (b) Attorney Communication. Nothing in this Section shall prohibit the Petitioner/Respondent or the Petitioner/Respondent's attorney

from communicating with the Commission's legal counsel, its investigators or other authorized agents.

- (c) Report. Any member of the Commission who receives an ex parte communication shall immediately report such communication to the Commission's legal counsel and turn it over to the Commission's legal counsel.
- (d) Matters Prohibited. For purposes of this Section only, the action(s) being considered by the Commission shall be those matters identified in the written notice regarding the hearing as well as any other matters that are actually considered by the Commission during a hearing. All matters identified in the written notice shall be subject to the prohibition against ex parte communications. All matters not identified in the written notice that are considered by the Commission during a hearing become subject to the prohibition against ex parte communications as soon as they are discussed during the hearing.
- (e) Sanction. The Commission shall have the power to impose any sanction authorized under the Gaming Regulatory Act upon its determination that a Petitioner/Respondent has made an ex parte communication in violation of this Section.

Section 11.04 Appearance through Counsel.

- (a) Personal Attendance. Petitioner/Respondent(s) to all hearings governed by this Chapter may appear personally or through an attorney, except that a party to the action must personally attend any hearing on the merits unless his or her attendance has been waived, in writing, by the Commission.

- (b) **Service.** When a Petitioner/Respondent has appeared through an attorney, service of all notices, motions, orders, decisions and other papers thereafter shall be made upon the attorney, unless the Petitioner/Respondent requests otherwise in writing.
- (c) **Attorney Empowered.** When a Petitioner/Respondent is represented by an attorney, the attorney shall sign all motions, notices, requests, and other papers on behalf of the Petitioner/Respondent, including a request for subpoenas.
- (d) **Attorney Admission Requirements.** Any attorney appearing before the Commission must be duly admitted and authorized to practice before the Pokagon Tribal Court. Notwithstanding the above, the Commission may permit, for good cause shown by written application to the Commission, attorneys duly Licensed to practice law in any other jurisdiction to appear before the Commission on a case by case basis.

Section 11.05 Discovery Procedures for Enforcement Hearings.

- (a) The Commission's legal counsel and the Petitioners/Respondent(s) shall exchange a list of persons that each party intends to call as witnesses no later than five (5) business days before a scheduled hearing. The day the list is received shall be considered a full day's notice under this Section. Each witness shall be identified by name, if known, position and business address. If no business address is available, a home address for the witness shall be provided. Any witness not identified in accordance with this Section may be prohibited from testifying at a hearing in the Commission's discretion.

- (b) The Commission's legal counsel and the Petitioner/Respondent(s) shall exchange a copy of all documents or exhibits that they intend to offer as evidence in support of their case in chief. This exchange shall be made to the opposing party no later than five (5) business days before a scheduled hearing. The day the documents or exhibits are received shall be considered a full day's notice under this Section. Failure to make available any document or exhibit in accordance with this section may, in the Commission's discretion, be grounds to deny the admission into evidence of such document or exhibit.

Section 11.06 Confidential Materials.

- (a) Document Designation. Prior to submitting any documents or exhibits to the Commission, the Petitioner/Respondent(s) may designate any document it reasonably believes to contain confidential information as "Subject to a Confidentiality Claim" by so marking the document in a prominent and evident manner.
- (b) Commission Ruling. Documents marked in accordance with subsection (a) above, and any non-public information contained within the document, shall not be made a part of the public record of the Commission proceedings otherwise disclosed by the Commission to any Person (except as may be required under any applicable law, rule, regulation, court or administrative order, or the Compact), without first providing the Petitioner/Respondent with the opportunity to seek a ruling by the Commission that the document or non-public information contained therein should not be made public. The request for such a ruling and any discussions relating to the document shall be heard and ruled upon by the Commission. If the request for such a ruling is made during a

public hearing, the hearing shall be adjourned and the Commission shall conduct a closed session in order to hear and rule upon the request of the Petitioner/Respondent. The Petitioner/Respondent may present to the Commission in a closed meeting written and oral argument regarding the confidentiality claim, along with any facts the Petitioner/Respondent believes to be relevant to such argument.

- (c) **Commission Decision.** In determining whether a document marked in accordance with subsection (a) above should be made part of the public record of the Commission proceedings, the Commission will balance the claim for confidentiality against the materiality of the information to the related regulatory procedure or subject of the hearing, the public's right to be made aware of the information, and the Commission's need to make the information part of the public record in order to remain fully accountable for the Commission's decision. In making this determination, the Commission shall consider all facts and circumstances relevant to making a proper ruling.

- (d) **Withdrawal Request.** In the event that the Commission rules during a closed meeting that the document in question and/or information contained therein should be made part of the public record of the Commission's proceedings, the document and/or information will be made part of the public record unless the Petitioner/Respondent requests that the Commission withdraw the document from the proceeding and the Commission's possession. In the event the Petitioner/Respondent requests that the document be withdrawn from the Commission's possession, the Commission will then consider the withdrawal request when it weighs the other evidence in the proceeding. A withdrawal of documents from the

proceeding shall be looked upon by the Commission with disfavor, and, depending on the facts and circumstances, the Commission may deem the withdrawal of any document to be sufficient cause in and of itself to deny the relief requested by the Petitioner/Respondent.

- (e) Closed Session Designation. In the event that the Commission rules during a closed session that the document and/or information contained therein should not be made part of the public record, the document shall be designated “Confidential” and will not be made part of the public record. The Commission may consider the document and information contained therein in camera in making its determination.
- (f) Return Documents. At the conclusion of the Commission proceedings, the Commission will return to the Petitioner/Respondent all documents marked as “Subject to a Confidentiality Claim” pursuant to subsection (a) above that were not (i) made part of the public record of the proceeding or (ii) that were designated as “Confidential” and considered by the Commission in camera.

Section 11.07 Hearing Procedures.

- (a) The Chairperson of the Commission shall preside over all hearings conducted before the full Commission, and shall call the proceedings to order, control the presentation of evidence, the appearance of witnesses, and the order of the proceedings. In certain circumstances and solely within the discretion of the Commission, the Commission may designate one or more of the Commission members or retain Administrative Law Judge(s) to

serve as hearing officers with regard to such hearings as the Commission may determine can be properly handled by a single hearing officer and such hearing officers shall have authority to render decisions and issue findings of fact and conclusions of law.

- (b) The Commission may require, upon proper notice, any Person, including, but not limited to, any Applicant, Licensee, Excluded Person or any agent, employee or representative of such Person, to appear and testify before it with regard to any matter within its jurisdiction at such time and place as it may designate. Such testimony shall be under oath and may include any matters which the Commission deems relevant to the discharge of the Commission's official duties. Testimony at all hearings shall be recorded by a duly certified court reporter or be recorded through a tape recorder and may be used by the Commission as evidence in any proceeding or matter before the Commission. Failure to appear and testify fully at the time and place designated shall result in sanctions. Failure to appear may constitute grounds for:
- (1) the refusal to grant a License to the person summoned, and/or that person's principal, or employer;
 - (2) the revocation or suspension of a License held by the person summoned, and/or that person's principal, or employer; or
 - (3) the inference that the testimony of the person summoned would have been adverse to that person and/or that person's principal or employer.
- (c) Any party to the hearing may call and examine witnesses. The Commission shall exercise its discretion to limit the testimony of witnesses where that testimony is argumentative or repetitive.

- (d) The Commission shall have the authority to caution or to eject from the hearings any person who is disruptive, disorderly, or who shows a lack of proper respect for the Commission or the proceedings.
- (e) Persons shall be permitted to speak only when recognized by the Chairperson, presiding officer or hearing officer.
- (f) Any member of the Commission may ask questions of witnesses, and may request or allow additional evidence at any time.
- (g) Any party to the hearing may conduct cross-examinations reasonably required for a full and true disclosure of the facts.
- (h) Except as otherwise provided in this Act or other Tribal law, all hearings held under this Act shall be open to the public.
- (i) The Commission, in its discretion, has the power to sequester witnesses.

Section 11.08 Evidence.

- (a) In hearings governed by this Chapter, the Commission or the Hearing Officer shall not be bound by the usual Court rules relating to the admission of evidence and calling and questioning of witnesses. The Commission or Hearing Officer shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony. The Commission shall give effect to the rules of privilege unless such privilege is waived. Basic principles of relevancy, materiality and

probative force shall govern the proof of all questions of fact.

Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.

- (b) All evidence, including records and documents in the possession of the Commission or which the Commission desires to avail itself, shall be duly offered and made a part of the record in the case. Every party shall be afforded adequate opportunity to rebut or offer countervailing evidence.
- (c) The Commission or Hearing Officer may take official notice of any generally recognized fact or any established technical or scientific fact; but parties shall be notified either before or during the hearing or by full reference in preliminary reports or otherwise, of the facts so noticed, and they shall be afforded an opportunity to contest the validity of the official notice.
- (d) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, the Commission, Hearing Officer or the parties shall be given an opportunity to compare the copy to the original.
- (e) The record in a hearing governed by these Rules shall include:
 - (1) All Applications, intermediate rulings and exhibits and appendices thereto.
 - (2) Evidence received or considered, stipulations and admissions, including but not limited to confidential evidence received pursuant to Section 10.07 of this Act.
 - (3) A statement of matters officially noticed.
 - (4) Questions and offers of proof, objections, and rulings thereon.

- (5) Any decision, opinion, findings or report by the Commission.
- (6) The transcript prepared by a duly certified court reporter. The Commission may waive the need for a transcript prepared by a duly certified court reporter.

Section 11.09 Burden of Proof.

- (a) The Commission shall have the affirmative obligation to establish by a preponderance of the evidence violations of the Act or these Regulations.
- (b) A Petitioner/Respondent shall have the affirmative obligation to establish by clear and convincing evidence affirmative qualification for Licensure.
- (c) A Patron shall have the affirmative obligation to establish by clear and convincing evidence that the decision made by an agent of the Commission should be modified or reversed.

Section 11.10 Commission Decisions.

- (a) All decisions to be made by the Commission or Hearing Officer under this Act or the Regulations shall, when necessary to support the decision, include findings of fact and determinations of law. The Commission may, at its discretion, include with its decision a statement that the Commission's decision is a "final decision subject to appeal", which shall preclude any rehearing of the decision before the Commission. The Commission's resolution of a Patron complaint shall be final and shall not be subject to further appeal. All such decisions, findings, and determinations shall be made on the record in an open meeting, except as may be otherwise authorized by Tribal law. All Commission decisions

shall be made by majority vote, except when this Act expressly authorizes the Commission to delegate authority for specific decisions or actions to a single Commissioner. In the event a Hearing Examiner is utilized by the Commission, the Commission shall consider the decision of the Hearing Examiner. The Commission shall have authority to accept, amend or reject the findings of the Hearing Examiner.

- (b) A copy of any Commission decision directly affecting an Applicant, Licensee, Excluded Person, other Person directly affected by a Commission decision, as described in this Section, shall be served by registered or certified mail, by personal service, or by other means established by Regulation.

Section 11.11 Sanctions.

If any party or its attorney fails to comply with any Commission order, or any other applicable laws, regulations or agreements, including, but not limited to any agreement, regarding any matter, including, but not limited to, discovery matters and the failure to appear at a hearing at the scheduled time, the Commission or Hearing Officer, upon motion or upon its own initiative, may in its discretion impose upon such party or attorney, or both, appropriate sanctions in regard to the failure(s) as are just, including, but not limited to, the following:

- (a) An order prohibiting the use of any witness, document or tangible thing which should have been disclosed, produced, exhibited or exchanged pursuant to these Rules or any Commission order;
- (b) An order that designated facts shall be taken to be established;
- (c) An order that the noncompliant party may not support or oppose designated claims or defenses;

- (d) An order striking any pleadings or parts thereof, or staying further proceedings or dismissing the proceeding or any part thereof, or entering a judgment by default against the noncompliant party; or
- (e) A finding against the noncompliant party.

CHAPTER 12

LABOR ORGANIZATIONS LICENSING:

Section 12.01 General Provisions.

(a) Rights of Collective Bargaining and Concerted Action Not Impaired if Representative not Disqualified. These regulations do not deny or limit in any way the legitimate rights of employees of any 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.

(b) Definitions. The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Band” means the Pokagon Band of Potawatomi Indians, a federally-recognized Indian Tribe, whose federally-recognized status was reaffirmed by Congress through enactment of the Pokagon Restoration Act, 25 U.S.C. §§ 1300j- 1300j-8. The term Band includes every department, agency, or organizational entity of the Band engaged in the Governmental Operations of the Band, as that term is defined in the Code.

“Code” shall mean the Band’s Labor Organizations and Collective Bargaining Code, as amended.

“Commission” means the Pokagon Band Gaming Commission established pursuant to the Pokagon Band Gaming Regulatory Act, as amended and approved by the National Indian Gaming Commission on June 1, 2007.

“Employer” means the Band and any person, firm, association, corporation or

other business entity chartered, organized or otherwise established, which is located within, and employs any person within, the Territorial Jurisdiction of the Band. The term *Employer* shall not include any person, firm, association, corporation or other business entity chartered, organized or otherwise established, which has its principal place of business outside of the Territorial Jurisdiction of the Band and operates within the Territorial Jurisdiction of the Band to perform construction-related activities.

“Labor Organization”, means any labor union or other organization or association of employees whose purpose includes, in whole or in part: negotiating or administering on behalf of employees any collective bargaining agreement or labor disputes; adjusting or seeking to adjust grievances; or negotiating, bargaining, or administering wages, rates of pay, hours of employment, working conditions, or other terms or conditions of employment. The term Labor Organization shall also include an “Affiliate” of any Labor Organization that is chartered by the same parent body, or governed by the same constitution and bylaws, or Labor Organizations having the relation of parent and subordinate or subsidiary.

“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 and person that solicits, collects, or receives, or seek to solicit, collect, or receive any dues, assessments, levies, fines, contributions or other charges for or on behalf of a Labor Organization.

“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.

“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 relating to employees who are employed by an Employer.

“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.

“Territorial Jurisdiction of the Band” means all lands taken into trust for the benefit of the Band by the Secretary of the Interior or otherwise pursuant to federal law.

Section 12.02 Licensing Requirements.

(a) License Requirement. Prior to commencing any Organizing Activities, a Labor Organization shall file with the Commission a Labor Organization Business License Application on forms prescribed by the Commission, in accordance with the rules of the Commission.

(b) Application for Initial and Renewal of Labor Organization Business License. An application for initial or renewal Labor Organization Business License Application shall consist of the annual fee in the amount of \$500.00 and a completed original and one copy of the following:

- (1) A Labor Organization Business License Application as prescribed and made available by the Commission; and
- (2) The information required by these regulations for each Officer, Agent and Principal Employee of the Labor Organization.

The Business License Application shall require, as a condition of being granted a Business License, that the Labor Organization agrees on behalf of itself and its Officers, Agents, and Principal Employees that it:

- (1) will comply with all rules, regulations, and laws of the Band; and
- (2) consents to be subject to the jurisdiction of the Tribal Court, this Commission, and all other jurisdictional authority of the Band.

(c) Information Required as Part of the Business License Application. Each Labor Organization required under the Code and these rules to obtain and maintain a Business License shall provide the following information with its Business 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.

(d) Duration of Labor Organization Business License; Renewal. The duration of an initial Labor Organization Business License shall be for a period of one year from the date on which the initial Labor Organization Business License Application is accepted for filing by the Commission. Subsequent applications to renew a Labor Organization Business License shall be filed annually pursuant to

the rules of the Commission no later than the first Monday in January that is not designated as a national or Band holiday or sixty (60) days prior to the expiration of the current Business License, whichever occurs first.

(e) 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 Business License Application set forth in accordance with the rules of the Commission and any information otherwise requested by the Commission.

(f) 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 Commission pursuant to the aforesaid Federal provisions.

Section 12.03 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 Business License from the 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 nicknames by which he has been or is 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 of 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 denominated a felony, gross misdemeanor, or misdemeanor:
 - (i) Any convictions;
 - (ii) Any criminal offenses for which he was charged, indicted or summoned to answer, but for which he was not convicted;
 - (iii) Any criminal offenses for which he received a pardon; and
 - (iv) Any criminal offenses for which the record was expunged or sealed by court order.
- (k) Whether he has ever been denied a business, liquor, gaming, or professional license, or has had such license revoked;

- (l) Whether he has ever been found by any court or governmental agency to be unsuitable to be affiliated with a Labor Organization and if so, all details relating thereto;
 - (m) Whether he has 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 Disclosure 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 relating 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 Business 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 Division 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, any 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 he, with or without compensation, as an agent, consultant, advisor or otherwise, exercises a significant influence 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 regulations 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) He has been convicted in any jurisdiction of any crime involving moral turpitude or indicating a lack of business integrity or honesty, whether denominated a felony or misdemeanor;

(2) He has 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) He is 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) His moral character and integrity, as evidenced by his prior conduct, are such as to create a reasonable belief that his 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.

(d) 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 regulations 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

the investigation will exceed \$10,000, 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 shall 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.

(e) 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;
- (b) A statement of the reasons for the recommendation; and
- (c) Three copies of a form entitled "Notice of Defense."

(2) The notice of defense must read substantially as follows:

NOTICE OF DEFENSE

Instructions to Respondents: Two copies of this form should be filed with the Pokagon Band Gaming Commission, New Buffalo, 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:

(space for answer)

3. Are there any defenses or explanations which you believe the Commission should consider?.....

If so, please specify:

(space for answer)

4. Do you wish to state any legal objections to the complaint?.....

If so, please specify:

(space for answer)

Note: If you fail to file two copies of this form as specified, the Commission may proceed upon the complaint without a hearing.

(f) Notice of Defense: Time for Filing; Contents.

(1) Within fifteen (15) 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.

- (g) Right to Hearing; Waiver. The respondent is entitled to a hearing on the merits if he files 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.

- (h) Notice of Hearing.

(1) The Executive Director 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 Pokagon Band 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 present 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 Pokagon

Band Gaming Commission.

- (i) 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 *duces 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 Pokagon Band 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 Pokagon Band 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, mails 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)

- (j) Hearing: Procedures.
 - (1) The proceedings at the hearing shall be reported either stenographically 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 in 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.
- (k) **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 Pokagon Band 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.
 - (l) **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.
 - (m) **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 a contempt in the trial of a civil action before the Pokagon Band Tribal Court.
 - (n) **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.

- (o) 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.
- (p) Rehearing. The Commission may, upon motion therefore made within ten (10) days after service of a decision and order, order a rehearing before the Commission upon such terms and conditions as it may deem just and proper. Such motion shall not be granted except upon a showing that there is additional evidence which is material and necessary and reasonably calculated to change the decision of the Commission, and that sufficient reason existed for failure to present such evidence at the hearing of the Commission. The motion shall be supported by an affidavit of the moving party or his counsel showing with particularity the materiality and necessity of the additional evidence and the reason why it was not introduced at the hearing. Upon rehearing, rebuttal evidence to the additional evidence shall be permitted. After rehearing, the Commission may modify its decision and order as the additional evidence may warrant.

Section 12.04 Enforcement.

- (a) Injunction; Fine.

- (1) If, ten (10) days or more after notice of disqualification is given, a person performs any function for which he is disqualified, the Commission may request that the Band bring an action in the Pokagon Band 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 or other applicable law.
- (b) 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 Business License , if:
- (1) A Labor Organization fails to properly obtain or maintain a valid Business 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 Rules 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 rules 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

and its regulatory authority, including the Code and the rules of the 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 rules of the Commission or fails to provide all information requested by the Commission in accordance with the provisions of the Code or the rules 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 within 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.