

NOTICE OF FINAL LIQUOR REGULATIONS

SEPTEMBER 12, 2017

Pursuant to Section 9 of the Pokagon Band Liquor Control Code (Michigan) and Section 9 of the Pokagon Band Liquor Control Code (Indiana) (collectively, the “Codes”), on June 13, 2017 the Pokagon Band Gaming Commission published and posted Proposed Liquor Regulations along with a Notice of Proposed Liquor Regulations, which announced that the Commission would accept written public comments on the Proposed Liquor Regulations submitted prior to 5:00 pm on August 14, 2017.

The Gaming Commission received a comment concerning Section XII.C of the Proposed Liquor Regulations, which raises a concern that, as written, the Proposed Regulations concerning the sale of Alcoholic Liquor by Licensees and Permittees located within the Michigan Reservation below cost or without charge may not be in conformity with state law, specifically, MCL 436.2025(c). Based on the comment, the Gaming Commission has determined that revisions to Section XII.C are warranted to foreclose the possibility that the Proposed Regulations might be susceptible to an interpretation that is not in conformity with MCL 436.2025(c). Accordingly, Subsection XII.C is revised as follows:

XII. Selling Alcoholic Liquor Below Cost or Without Charge.

- C. Licensed Premises on the Michigan Reservation. As provided under subsection II.D of these regulations, a retail on-sale Licensee or Permittee whose Licensed Premises are located within the Michigan Reservation and that is also entitled to exercise the rights and privileges of a class A or class B hotel Licensee shall be entitled to sell Alcoholic Liquor below cost or without charge to the same extent as class A or class B hotel Licensees are permitted under state law. This provision is intended to extend to such Licensees and Permittees at

least the same rights to sell Alcoholic Liquor below cost or without charge that class A or class B hotel Licensees enjoy under Michigan law. Accordingly, such Licensees and Permittees may sell Alcoholic Liquor below cost or without charge under either of the following conditions:

1. The Commission expressly authorized the Licensee to sell Alcoholic Liquor on the Licensed Premises below cost or without charge on an ongoing basis to invitees or guests in connection with a business event or as a part of a room special or promotion for overnight accommodations, as set forth in the License issued by the Commission; or
2. The Commission expressly authorized the Permittee to sell Alcoholic Liquor on the Licensed Premises below cost or without charge to invitees or guests in connection with a specific business event or as a part of a specific room special or promotion for overnight accommodations, as set forth in the Permit issued by the Commission.

No other written comments to the Proposed Liquor Regulations were submitted to the Gaming Commission.

The Final Liquor Regulations were approved by the Gaming Commission on September 12, 2017 by adoption of Resolution No. 17-09-12-001 and will become effective on September 13, 2017. Copies of the Final Liquor Regulations may be obtained by sending a written request to the Gaming Commission at the address provided above [or by accessing the proposed regulations at the Gaming Commission's webpage on the Pokagon Band website: (www.pokagonband-nsn.gov/government/commissions/gaming-commission)].