

**TRIBAL CODE**

**CHAPTER 93:**

**COMPLIANCE WITH MICHIGAN GAMING CONTROL  
AND REVENUE ACT**

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HISTORY NOTE:

CURRENT ORDINANCE:

Resolution 98-57, adopted April 21, 1998, adopts Tribal Code Chapter 93: Compliance with the Michigan Gaming Control and Revenue Act, effective immediately.

## TRIBAL CODE

### CHAPTER 93:

## COMPLIANCE WITH MICHIGAN GAMING CONTROL AND REVENUE ACT

### SUBCHAPTER I: AUTHORITY, PURPOSE & FINDINGS

#### 93.101 Authority.

The Authority for this Chapter in Article VI and Article VII Section (b) and (m) of the Tribal Constitution, Article I Section 6 of the Tribal Bylaws and the Michigan Gaming Control and Revenue Act, PA 69 of 1997, (hereafter, the Act).

#### 93.102 Purpose.

The purpose of this Chapter is to maintain compliance on the part of the Tribe with the licensing requirements of the Act and applicable regulations by:

(1) Requiring each member of the Board of Directors and tribal employee who is subject to licensing or qualification under the Act to submit any necessary application in a timely manner and to prosecute the application to conclusion.

(2) Recognizing the existence of a conflict of interest whenever a Tribal Board of Directors member does not possess a required license and excluding such conflicted Board member from participation in actions relating to the covered enterprises.

(3) Providing for employment disciplinary action with regard to an employee who fails to satisfy the licensing requirement of the Act.

(4) Providing for removal from office of any Board of Directors member who fails to satisfy the licensing requirements of the Act.

#### 93.103 Findings.

The Board of Directors finds:

(1) The Michigan Gaming Control Board, (the MGCB), has established requirements for licensing and qualifications which are legal prerequisites for operation of a gaming facility under the Act. The MGCB has further determined that these requirements are

applicable to the Tribe, to members of the Board of Directors, and to certain employees of the Tribe. For purposes of this Chapter, the term “required license” means the MGCB’s requirement for license and qualification of any nature under the Act and applicable regulations, as applied to a specific Board of Directors member or employee.

(2) The Board of Directors has determined that participation in the ownership of a gaming facility operated under the provisions of the Act will promote the economic well-being and self determination of the Tribe and its members.

(3) The Tribe’s best interest requires compliance with the Act, applicable regulations, and the MGCB licensing and qualification requirements by the Tribe, its Board of Directors members and employees.

## **SUBCHAPTER II: COMPLIANCE WITH THE ACT**

### **93.201 Requirement of Compliance with the Act.**

Each member of the Board of Directors, and each employee of the Tribe, shall fully comply with the licensing and qualification requirements of the Act, and applicable regulations thereunder as they relate to him or her.

### **93.202 Board of Directors Licensure.**

It shall constitute a violation of this Chapter and be grounds for removal from office pursuant to the Tribal Constitution if a member of the Board of Directors shall:

- (1) fail to make timely application for a required license;
- (2) fail to diligently pursue a required license, once applied for;
- (3) withdraw an application for a required license;
- (4) receive a notice of denial of a required license, which is final and unappealable;  
or
- (5) have a required license revoked or withdrawn.

### **93.203 Tribal Employee Licensure.**

An employee of the Tribe shall be subject to disciplinary action including suspension, reassignment of duties and/or termination if the employee shall:

- (1) fail to make timely application for a required license;

- (2) fail to diligently pursue a required license, once applied for;
- (3) withdraw an application for a required license;
- (4) receive a notice of denial of a required license, which is final and unappealable;  
or
- (5) have a required license revoked or withdrawn.

Further, any employee who upon request fails to cooperate with the licensure of any other person under the Act shall be subject to like disciplinary action.

### **SUBCHAPTER III: CONFLICTS OF INTEREST WITH REGARD TO LICENSURE**

#### **93.301 Recognition of Conflict of Interest.**

(1) The Board of Directors hereby recognizes the existence of a conflict of interest within the meaning of Article 1 Section 6 of the Tribal Bylaws with regard to a Board member's participation in Board actions related to any gaming operation covered by the Act, whenever:

- (a) the Act and regulations thereunder require that the Board member possess a required license; and
- (b) the Board member does not possess the required license.

#### **93.302 Bar to Participation.**

A Board member who does not possess a required license shall not participate in discussion of, or cast a vote on, any matter relating to any gaming operation covered by the Act.