



Mille Lacs Band of Ojibwe Indians  
*Legislative Branch of Tribal Government*  
*Office of the Revisor of Statutes*

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## Certificate of Correctness

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- WHEREAS, on August 19, 2003, the Non-Removable Mille Lacs Band of Ojibwe Band Assembly (“Band Assembly”) approved and the Chief Executive signed Ordinance 44-03, which provided for a Gaming Regulatory Act to regulate gaming on band lands;
- WHEREAS, on September 22, 2006, the Band Assembly approved Ordinance 45-06;
- WHEREAS, on October 2, 2006, the Chief Executive signed into law Ordinance 45-06, which amended Title 15 to add a second chapter, the Department of Athletic Regulation, in order to regulate professional athletic activities held on the Mille Lacs Band of Ojibwe reservation;
- WHEREAS, on November 9, 2006, the Band Assembly approved Ordinance 05-07;
- WHEREAS, on November 17, 2006, the Chief Executive signed into law Ordinance 05-07, which amended the Department of Athletic Regulation to correct nomination/ratification language for Boxing Commission members;
- WHEREAS, on March 22, 2007, the Band Assembly approved Ordinance 23-07;
- WHEREAS, on March 29, 2007, the Chief Executive vetoed Ordinance 23-07; a compromise hearing was held on April 5, 2007;
- WHEREAS, on April 24, 2007, the Band Assembly approved Ordinance 23-07;
- WHEREAS, on May 2, 2007, the Chief Executive signed into law Ordinance 23-07; which amended the Department of Athletic Regulation to change the language in sections 2, 4, and 6;
- WHEREAS, on February 17, 2011, the Band Assembly approved Ordinance 05-11;
- WHEREAS, on February 22, 2011, the Chief Executive signed into law Ordinance 05-11, which amended the Department of Athletic Regulation in order to amend the funding split language and to broaden the regulatory function over amateur mixed martial arts;



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- WHEREAS, on January 15, 2013, the Band Assembly approved Ordinance 16-13;
- WHEREAS, on January 18, 2013, the Chief Executive signed into law Ordinance 16-13, which amended the Department of Athletic Regulation to permit the regulation of professional boxing and mixed martial arts for another tribe or tribal entity in order to promote professionalism and safety in the sport within Indian country;
- WHEREAS, on March 26, 2013, the Band Assembly approved Ordinance 25-13;
- WHEREAS, on March 29, 2013, the Chief Executive signed into law Ordinance 25-13, which amended chapter 1 of Title 15 to change wording to comply with National Indian Gaming Commission (“NIGC”) regulation and to allow the Gaming Regulatory Authority to extend fingerprinting information to NIGC or Minnesota Gambling Enforcement for background investigations of key employee or primary management official positions;
- WHEREAS, on March 24, 2021, the Band Assembly approved and the Chief Executive signed into law Ordinance 31-21, which amended chapter Title 15 for the purposes of clarifying and correcting chapter 2;
- WHEREAS, on April 14, 2021, the Band Assembly approved and the Chief Executive signed into law Ordinance 34-21, which amended Title 15 for the purposes of clarifying and correcting § 804(i);
- WHEREAS, according to 25 MLBS § 12, the Revisor shall issue certificates of correctness after comparing any amended sections of Band statutes with previous editions as a method of ensuring that the law is properly reflected in statutes available to the public;
- WHEREAS, pursuant to 25 MLBS § 15, the Revisor is responsible to publish Band statutes;  
and
- NOW, THEREFORE, as the Band’s Revisor of Statutes, I hereby attest to on April 15, 2021, having compared the enclosed version of Title 15 with any previous versions and certify as to the correctness of the enclosed version.



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Enclosures

1. Title 15 – Gaming Regulatory Authority
2. Ordinance 44-03
3. Ordinance 45-06
4. Ordinance 05-07
5. Ordinance 23-07
6. Ordinance 05-11
7. Ordinance 16-13
8. Ordinance 25-13
9. Ordinance 31-21
10. Ordinance 34-21

  
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Hanna Valento  
Revisor of Statutes

**OFFICIAL SEAL OF THE BAND**



## **Ordinance 44-03**

A Ordinance providing for the general welfare of the people of the Mille Lacs Band of Ojibwe by a Gaming Regulatory Act to regulate gaming on band lands.

The District I Representative introduced the following Bill on the 19<sup>th</sup> day of August 2003.

### **PREAMBLE**

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe the following act for the purpose of establishing a statutory system for the effective regulation of gaming activities within the jurisdiction of the Band to be called the Gaming Regulatory Act; establishing an independent regulatory authority called the Mille Lacs Band Gaming Regulatory Authority; and for other purposes.

### **TITLE 15 GAMING REGULATORY ACT**

#### **Section 1. REPEAL AND REPLACEMENT OF TITLE 15 AND GAMING REGULATIONS; EFFECTIVE DATE; TRANSITION.**

This Gaming Act and regulations promulgated thereunder shall constitute the entire gaming laws and regulations of the Band. The prior Title 15 of Band Statutes is hereby repealed and replaced. Upon final approval of Initial Detailed Gaming Regulations by the Gaming Authority (hereinafter the "Authority") and the Band Assembly pursuant to section 11(d)(2)(C), such regulations will replace and supercede all then existing gaming regulations. Authority control of gaming regulation shall become effective upon the date that this Act is filed with and approved by the National Indian Gaming Commission and the first Director of the Office of Gaming Regulation and Compliance, as described in section 12 of this Act, takes the oath of office. The Authority Board of Directors, the Director of the Office of Gaming Regulation and Compliance, the Commissioner of Corporate Affairs, and the Commissioner of Finance shall work together to assure the smooth transition of gaming regulation from the Commission to the Authority.

#### **Section 2. FINDINGS**

The Mille Lacs Band of Ojibwe Assembly finds that:

(a) The Mille Lacs Band of Ojibwe has a long history of conducting different forms of gaming within our sovereign territory. Prior to entering into treaties with the United States the Band allowed many traditional forms of gaming;

(b) Gaming on Band Lands is a valuable means of generating revenues needed by the Band to enhance economic development and self-sufficiency, promote and strengthen self-

governance, increase Band member employment, and to fund essential Band social programs and services; and

(c) Band Regulation and control of gaming on Band Lands is necessary in order to ensure the welfare and best interests of the Band, its members and patrons of the Band's gaming enterprises, prevent any proliferation of organized crime and other corrupting influences on Band Lands, protect the fairness of gaming conducted on Band Lands and preserve the political integrity of the Band.

### **Section 3. DECLARATION OF PURPOSE.**

The express purpose of this Gaming Regulatory Act is:

(a) to provide a statutory basis for the regulation of gaming on Band Lands to ensure that gaming is shielded from organized crime and other corrupting influences, to ensure that the Band is the primary beneficiary of the gaming operation, and to assure that gaming is conducted fairly and honestly by both the operator and the player;

(b) to regulate and control gaming on Band Lands for the protection of gaming as a means of promoting economic development, self-sufficiency, and strong tribal government;

(c) to foster a spirit of cooperation with federal officials in the regulation of gaming;

(d) to foster a spirit of cooperation with Minnesota officials in the conduct of Class III gaming pursuant to any Compacts;

(e) to ensure that gaming on Band Lands is conducted in conformity with Band law, the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. section 2701 *et seq.* and regulations promulgated pursuant thereto, applicable State law and the Compact;

(f) to ensure that the construction and maintenance of gaming facilities and the operation of all gaming conducted at such facilities is conducted in a manner which adequately protects the environment, public health, and safety; and

(g) to establish an independent regulatory authority charged with oversight and enforcement of gaming regulatory matters under Band law, with the goal of becoming self-regulating under IGRA and regulations promulgated thereto.

### **Section 4. DEFINITIONS.**

For the purpose of this Act, the following definitions shall apply:

(a) "Authority" means the Mille Lacs Band Gaming Regulatory Authority established by this Act.

- (b) “Authority Data” means all information, files, reports, records, correspondence and other data collected, created, received, maintained or disseminated by the Authority regardless of its physical form, storage method, or conditions of use.
- (c) “Applicant” means an individual or entity that applies for a Band gaming license or certification.
- (d) “Background Investigation” has the meaning given in 25 C.F.R. Part 556.4.
- (e) “Band” means the Mille Lacs Band of Ojibwe.
- (f) “Band Gaming Laws” means this Act and all subsequent amendments thereto, and all detailed regulations promulgated thereunder.
- (g) “Band Lands” means any land within the jurisdiction of the Band upon which gaming activities pursuant to IGRA may be conducted.
- (h) “Board” means the Board of Directors of the Gaming Regulatory Authority.
- (i) “Closely associated independent contractor” means any contractor that shares common ownership, officers, or directors with any management principal or person related thereto.
- (j) “Chairperson” means the Chairperson of the Board.
- (k) “Charitable Gaming” means any Gaming carried out by an Indian Charitable Organization on Band Lands.
- (l) “Compact(s)” means any Class III tribal-state gaming compact in effect between the Band and the State of Minnesota to govern the conduct of certain Class III Gaming Activities on Band Land.
- (m) “Compliance” means that any gaming and gaming related activity regulated by this Act is conducted in accordance with applicable laws.
- (n) “Compliance Determination” has the meaning given in section 11(d)(5) of this Act.
- (o) “Confidential Data” means Authority Data on a Person that by Band statute, regulation or order, or by applicable federal law, is not made available to the public. The term includes Confidential Limited Availability Data and Confidential Restricted Availability Data.
- (p) “Confidential Financial Information” means any financial accounting records, ledgers, reports, and audits; and any profit and loss statements, cash flow projections, tax returns, invoices, checks, bank records, or other data on the revenues, expenditures, or financial obligations of a Person, other than a Gaming Enterprise.

**(q)** “Confidential Limited Availability Data” means Confidential Data that by Band statute, regulation or order, or by applicable federal law is made accessible to the subject of the data (if any).

**(r)** “Confidential Restricted Availability Data” means Confidential Data that is not available to the subject of the data.

**(s)** “Corporate Commission” means the Corporate Commission of the Mille Lacs Band of Ojibwe Indians as established by 16 MLBSA section 101 et seq.

**(t)** “Corporate Commissioner” means the Mille Lacs Band Commissioner for Corporate Affairs.

**(u)** “Court of Central Jurisdiction” or “CCJ” means the Court of Central Jurisdiction of the Mille Lacs Band of Ojibwe Indians established by 5 MLBSA section 1 et seq.

**(v)** “Director” means the director of the Office of Business Regulation and Compliance as described in section 12 of this Act.

**(w)** “Exclusion List” means a list prepared pursuant to section 11(d)(9) of this Act that contains the names of Persons who shall not be permitted in any Gaming Enterprise.

**(x)** “Financial Information on a Gaming Enterprise” includes, but is not limited to any financial accounting records, ledgers, reports, and audits; and any profit and loss statements, cash flow projections, tax returns, invoices, checks, bank records, or other data on the revenues, expenditures, or financial obligations of a Gaming Enterprise.

**(y)** “Gaming” means an activity in which a person stakes or risks something of value on the outcome of a contest of chance or a future contingent event, not under his or her control or influence, upon an agreement or understanding that the person, or someone else, will receive something of value in the event of a certain outcome, but shall not include a bona fide business transaction.

**(z)** “Gaming Activity” or “Gaming Activities” means any Class I, Class II, or Class III gaming activity as defined by the Indian Gaming Regulatory Act and conducted by or under the jurisdiction of the Band.

**(aa)** “Gaming Compliance Officer” or “GCO” means the officer described in section 12(b)(1)(D) of this Act.

**(bb)** “Gaming Contractor” means any person or entity that supplies gaming devices or other gaming equipment, personnel, or services, including gaming management or consulting services, to any Gaming Activity or Gaming Enterprise.

**(cc)** “Gaming Enterprise(s)” means the Grand Casino Mille Lacs, the Grand Casino Hinckley and any other commercial facility or business owned by the Band through the

Corporate Commission and operated, in whole or in part, for the conduct of Gaming or related to Gaming Activities within the jurisdiction of the Band.

**(dd)** “Gaming Regulatory Authority” means the independent agency established herein and designated with responsibility for performing the Band’s regulatory responsibilities and duties under IGRA, this Act, and any Compacts.

**(ee)** “Gaming Supplier” means any contractor or other supplier of gaming goods, supplies, materials, equipment, or services to any Gaming Enterprise, the aggregate annual cost of which to the Band’s Gaming Enterprises is at least \$25,000. The term Gaming Supplier shall be more particularly defined in detailed gaming regulations to be promulgated by the Authority.

**(ff)** “Hearing Examiner” means an individual employed or contracted with by the Authority for the purpose of conducting a hearing pursuant to section 11 of this Act. Such person shall: (1) be independent of any claimant, the Corporate Commission, any Gaming Enterprise, and any affiliates of the foregoing; (2) be an attorney in good standing licensed by the Mille Lacs Band and any State, and (3) have relevant legal experience.

**(gg)** “Immediate Family” or “related to” means persons who are the subject individual’s spouse, parents, siblings, and children (either adopted or biological).

**(hh)** “Indian Charitable Organization” means any non-profit association or corporation, or unincorporated community group with a primary purpose of engaging in social, educational, cultural, religious or charitable activities, or a combination thereof within the tribal community.

**(ii)** “Indian Gaming Regulatory Act” or “IGRA” means the Act of October 17, 1988, Public Law 100-497, 25 USC section 2701 et seq. as amended, and all regulations promulgated pursuant thereto.

**(jj)** “Information on a Pending Compliance Recommendation” means (1) any data gathered by the Director in connection with an ongoing investigation for which a Compliance Recommendation is required pursuant to section 12(b)(2) of this Act or (2) any Compliance Recommendation that has been completed by the Director but not yet finally acted upon by the Authority.

**(kk)** “Information on a Pending License Application” means any data submitted by the applicant or gathered by the Director or the Authority in connection with a pending application for a license required by this Act.

**(ll)** “Initial Detailed Gaming Regulations” means a full and complete set of gambling regulations, to be the first regulations promulgated by the Authority pursuant to section 11(d)(2) herein and submitted to the Band Assembly for final approval, to comprehensively regulate all aspects of gaming necessary to (1) ensure effective, independent oversight and regulation of all gaming conducted on Reservation lands; (2)



ensure that Persons who hold key positions in the Band's gaming enterprises are honest, trustworthy and of good moral character; (3) protect Band assets through implementation of strong, effective financial accounting and internal cash controls; (4) comply with all applicable law, including Band law, federal law and Band/State gaming compacts; and (5) clearly define and distinguish the respective duties and powers of casino management and gaming regulation so that they compliment one another in such a manner as to maximize the benefits of gaming to the Band and the surrounding non-Indian community.

**(mm)** "Key Employee" means any person as defined in 25 C.F.R. Part 502.14 and any other persons who may, pursuant to the Detailed Gaming Regulations, be included under the definition of "Key Employee" and become subject to such requirements.

**(nn)** "Management Principal" means any person who is an officer or member of the Board of Directors or other person defined as a Primary Management Official as defined in 25 CFR Part 502.19.

**(oo)** "Net Revenues" means gross gaming revenues of an Indian gaming operation less:

- (a) Amounts paid out as, or paid for, prizes; and
- (b) Total gaming-related operating expenses, excluding management fees.

**(pp)** "Non-Key Employee" means any person employed by a Gaming Enterprise or the Corporate Commission, who is not otherwise defined as a Key Employee or Primary Management Official.

**(qq)** "Office of Gaming Regulation and Compliance" or "OGR&C" means the office charged with the responsibility of, inter alia, regulating gaming activity within the jurisdiction of the Band.

**(rr)** "Person" means any individual, partnership, corporation, association, business trust, joint stock company, unincorporated association or society, any other business or non-business entity, or the legal representative of such entity.

**(ss)** "Personnel Data" means data on individuals collected because the individual is or was an associate of, or an applicant for employment with, the Authority or the OGR&C, or acts as an independent contractor therefor.

**(tt)** "Primary Management Official" means any person as defined in 25 CFR Part 502.19 and any other persons who, at the discretion of the Authority, may be included under the definition of "Primary Management Official" and become subject to such requirements.

**(uu)** "Security Information" means Authority Data the disclosure of which would be likely to substantially jeopardize the security of Gaming Enterprise information, possessions, associates, guests or property against theft, tampering, improper use, illegal disclosure, trespass or physical injury.

(vv) "Trade Secret Information" means Authority Data, including formula, pattern, compilation, program, device, method, technique, or process (1) that was supplied by the affected Person; (2) that is the subject of efforts by the affected Person to maintain its secrecy; and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other Persons who can obtain economic benefit from its disclosure or use.

**Section 5. GENERAL PROHIBITION ON GAMING ACTIVITIES; VIOLATIONS PUNISHABLE.** All Gaming Activity on Band Lands shall be conducted in compliance with this Act and any Gaming Activities not authorized by this Act or by regulations promulgated pursuant to this Act by the Authority is prohibited. Any violations of this Act shall be punishable through means adopted by this Act, the Authority and as otherwise provided by Band law.

**Section 6. UNAUTHORIZED GAMING PROHIBITED; PERMITTED GAMING; TRIBAL-STATE COMPACTS AUTHORIZED.**

(a) **Unauthorized Gaming Prohibited.** All Gaming Activities on Band Lands, whether class I, II, or III, are prohibited and unlawful, except as expressly authorized by this Act.

(b) **Permitted Gaming.**

(1) **Class I Gaming.** Class I traditional games are permitted to the extent consistent with tribal custom and practice. The Authority may prohibit and prevent any conduct which is claimed to be class I gaming if it finds that such conduct is not in accordance with tribal customs or practices or violates the IGRA or other applicable law. The Authority shall consult with a committee of Band Elders to determine which games are consistent with Band custom and practice. These games shall be listed and defined in the Initial Detailed Gaming Regulations.

(2) **Class II and Class III Gaming.** Class II and class III gaming on Band Lands is hereby authorized. The Band has the sole proprietary interest in and responsibility for the conduct of any Gaming Enterprise.

(A) **Permitted Class II Games.**

(i) Any game of chance which the Authority and/or the National Indian Gaming Commission has determined to be class II; and

(ii) any game of chance for which the Authority has promulgated rules and regulations so that such games are conducted in accordance with this Act.

**(B) Permitted Class III Games.**

(i) Video Games of Chance licensed and conducted pursuant to the Compact between the Commission and the State of Minnesota;

(ii) Blackjack Games licensed and conducted under the terms of the compact between the Commission and the State of Minnesota; and

(iii) Any other game of chance which is licensed and conducted pursuant to the Compact and for which the Authority has promulgated rules and regulations.

**(3) Community Charitable Gaming.**

**(A) Policy.** It is the policy of the Band to foster and assist Indian Charitable Organizations and the good works they perform for the community. To this end, the Band will allow Indian Charitable Organizations to use certain forms of gaming to raise money for their charitable purposes and to provide a healthy social outlet for members of such groups and their friends. The Authority shall regulate charitable gaming carried out by an Indian Charitable Organization so as to promote the general health and safety of the Band and to assure that such gaming is operated honestly, with high integrity, and in accordance with the highest standards.

**(B) Allowable Games.** Indian Charitable Organizations may operate the games of pull-tabs and bingo for the purposes set forth in section 6(b)(3)(A) above.

**(c) Tribal-State Compacts for Class III Gaming Authorized.**

**(1) Corporate Commission Authorized.** The Commission is hereby authorized to negotiate and enter into class III Gaming Compacts with the State of Minnesota to govern the conduct of class III Gaming on Band Lands. Such Compacts and amendments thereto, other than technical amendments as provided in section 6(c)(2) below, shall not be valid until ratified by the Band Assembly pursuant to 3 MLBSA section 2 (f).

**(2) Technical Amendments.** The Commission may enter into technical amendments pursuant to section 6.12 of the Video Game of Chance Compact or section 7 of the Blackjack Compact or similar section of any subsequent Compact

and such technical amendment shall not require Band Assembly approval as provided in section 6(c)(1) above; however, the shareholders at the shareholders meetings shall be delivered copies of any technical amendments.

**(3) Regulations to be in compliance with Compacts.** The Authority shall adopt regulations to provide that such class III Gaming is conducted in compliance with the terms and conditions of such Compact or amendments thereto.

**Section 7. USE OF BAND LANDS FOR GAMING PURPOSES.**

**(a) Leases.** Leases for all Band Lands for Gaming Activities, or related to Gaming Activity purposes, shall be in full compliance with all applicable laws of the United States and the Band.

**(b) Indian celebrations.** The use of Band Lands for Indian celebrations or other social events, which includes traditional gaming as part of the celebration or other social event, shall not be subject to federal, state, or local government approval.

**Section 8. HEALTH, SAFETY, AND ENVIRONMENTAL PROTECTION.** The construction and maintenance of any facility wherein Gaming Activities are conducted and the operation of Gaming Activities authorized by this Act, or any other Band law, shall be conducted in a manner which adequately protects the environment and the public health and safety, and shall comply with all applicable Band and federal law concerning such.

**Section 9. OWNERSHIP OF GAMING.** The Band shall have the sole proprietary interest in and responsibility for conducting any class II and class III Gaming Activities authorized by this Act, except to the extent the Band may contract with and license a person or entity to own, operate, or manage a Gaming Enterprise pursuant to the provisions of IGRA, any Compacts, or as otherwise permitted by applicable law.

**Section 10. OWNERSHIP AND USE OF CLASS II AND CLASS III GAMING REVENUES.**

**(a) Band Property.**

**(1)** All revenues generated from any class II or class III Gaming Activities conducted by any Gaming Enterprise are the sole property of the Band, except as provided for under the terms of any agreement made pursuant to the provisions of IGRA, or as otherwise permitted by Band law.

**(2)** Any profits or net revenues from any class II or class III Gaming Activities conducted by any Gaming Enterprise shall be deposited into the Band's

general treasury. Upon becoming part of the general treasury, such funds shall lose any identity as gaming revenues, except to the extent necessary to identify them as such in order to comply with applicable law.

(3) No individual tribal member shall be deemed to have any interest in such profits or net revenues from any class II or class III Gaming Activities conducted by any Gaming Enterprise, provided that the Band may adopt rules for distributing gaming proceeds to Band members on a per capita basis; provided further that such plan must meet the requirements of 25 U.S.C. section 2710 (b)(3). Payments from the general treasury funds to Band members under other Band programs, including those related to health, welfare, education, elderly care, and housing, shall not be deemed “per capita” payments.

(b) **Use of Net Band Revenues.** Net revenues derived from any class II or class III Gaming Activities conducted by any Gaming Enterprise shall be used only for the following purposes:

- (1) To fund Band government operations or programs;
- (2) To provide for the general welfare of the Mille Lacs Band and its members;
- (3) To promote Band economic development; and
- (4) To donate to charitable organizations recognized by the Band.

(c) **Distribution plan.** There shall be no per capita payments made from any net revenues derived from any class II or class III Gaming Activities conducted by any Gaming Enterprise, unless the distribution plan is approved by the Secretary of Interior pursuant to 25 U.S.C. section 2701 *et seq.* and the payments are made in accordance with such approved plan.

**Section 11. GAMING REGULATORY AUTHORITY; ESTABLISHMENT; BOARD OF DIRECTORS; ORGANIZATION; POWERS AND DUTIES.**

(a) **Establishment.** There is hereby established as an agency of the Mille Lacs Band of Ojibwe the “Gaming Regulatory Authority” (hereinafter the “Authority”), which has the power and duty to regulate Gaming matters for the Band as authorized by Band law.

(b) **Board of Directors.** The Authority shall be managed by a Board of Directors to be known as the Authority’s “Board.” At all times there shall be at least one Board Member, to be known as “Member(s),” on the Board from each District. The Board shall consist of five (5) Members appointed in the manner and have the terms provided in section 11(b)(1).

**(1) Appointments process, terms, oath of office.** Each Member shall be appointed using the following process.

**(A)** The Chief Executive shall nominate (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations by the Secretary-Treasurer, the Secretary-Treasurer shall ratify one (1) of the two (2) nominees to be a Member of the Board. Such Member shall serve until August 1, 2004. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four years.

**(B)** Each District Representative shall nominate two (2) individuals and submit their names to the Chief Executive. Within ten (10) calendar days after receipt of the nominations by the Chief Executive, the Chief Executive shall ratify one (1) of the two nominees to be a Member of the Board. Such Members shall serve until August 1, 2006. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four years.

**(C)** The Secretary-Treasurer shall nominate two (2) individuals and submit their names to the Chief Executive. Within ten (10) calendar days after receipt of the nominations by the Chief Executive, the Chief Executive shall ratify one (1) of the two (2) nominees to be a Member of the Board. Such Member shall serve until August 1, 2004. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four years.

**(D)** If the Chief Executive or the Secretary-Treasurer do not ratify one from any of the nominations sent to them within the time prescribed, then the Band Assembly shall select such Member by majority vote.

**(E)** If any person does not submit a nomination within thirty (30) days after a vacancy has occurred, then the Band Assembly shall nominate two (2) individuals by majority vote and submit their names to the Chief Executive for ratification to the Board. The timing and process for such ratification are as stated in sections 11(b)(1)(A) and (D).

**(F)** No member shall take office until swearing to the oath of office pursuant to 2 MLBSA section 8.

**(2) Qualifications.**

**(A)** Members shall be individuals who are of high moral character and integrity, who have a reputation for being honest, fair, objective, and who are recognized as possessing sound judgment.

(B) Members may not have been convicted of a felony or any gambling-related offense.

(C) No fewer than three Members shall be members of the Band. There shall be at least one Board Member from each of the Band's three Districts.

(D) Members may not be employed by any Gaming Enterprise, nor may they gamble at any Gaming Enterprise.

(E) Members shall be subject to the Background Investigations and standards for Primary Management Officials.

**(3) Board Officers, Selection, Duties, Vacancies, Disqualification, Removal.**

**(A) Officers.**

The Board shall have a Chairperson, Vice-Chairperson, and a Secretary.

**(B) Selection.**

(i) Chairperson. The Chair of the Authority shall be determined by a majority vote of the Joint Session of the Band Assembly from one of the current Members, or, if there is a vacancy, the individual who is appointed to fill such vacancy.

(ii) Vice-Chairperson. The Members shall select from among their members, by majority vote, a Vice-Chairperson.

(iii) Secretary. The Board may select a Member or an employee of the Authority to act as Secretary of the Board. An employee acting as Secretary at the request of the Board is not a Board Member and has no powers of a Member.

**(C) Board Duties.**

(i) The Chairperson shall preside over meetings of the Board and the Vice-Chairperson shall preside over meetings of the Board in the absence of the Chairperson. The Secretary shall record in writing the minutes of all Board meetings and all official actions taken by the Authority, and shall notify all persons who by this Act require notification of such official actions.

(ii) In carrying out any function under the provisions of this chapter all Members shall be governed by the laws of the Band, general policies of the Authority and such regulatory decisions,

findings, and determinations as the Authority may by law be authorized to make.

(iii) Requests or estimates for regular, supplement, or deficiency appropriations on behalf of the Authority may be submitted to the Band Assembly by the Chairperson with the prior approval of the Board.

(iv) The Chairperson shall delegate authority and assign duties to the Director of the Office of Business Regulation and Compliance sufficient to aid the Authority in fulfilling its regulatory responsibilities. Such assignment and delegation shall comply with this Act.

(v) Members shall serve part-time; however, the Board shall meet a minimum of once per month or more if necessary to fulfill their duties.

(vi) Members shall attend one or more training seminars or courses related to gaming regulation per year during their terms of membership. Such seminars shall be paid by the Authority. Per diem and other travel expenses shall be paid at the rate of a Senior Executive Staff Band employee.

**(D) Vacancies in Memberships.**

(i) The Chairperson shall notify the Band Assembly and the Chief Executive of any vacancy on the Board of Directors at least thirty (30) days prior to the end of a term, or, in circumstances other than the end of a term, immediately upon the knowledge that a vacancy will occur.

(ii) If there is a vacancy on the Board, then the vacancy shall be filled in the same manner as the vacating Member was originally appointed.

(iii) Any Member, including the Chairperson, appointed to fill a vacancy shall serve for the remainder of the term left vacant; however, any Member may be re-appointed during this time period pursuant to section 11(b)(1) of this Act.

**(E) Disqualifications from Board Membership.**

The following persons shall not serve as Board Members:



- (i) persons in the employ of, or holding any office in or having any business relation with, any business engaged in selling or manufacturing any gaming products or services;
- (ii) persons who own stocks or bonds in any business engaged in selling or manufacturing any gaming products or services;
- (iii) persons having any pecuniary interest whatsoever in any business engaged in selling or manufacturing any gaming products or services;
- (iv) persons having any interest in any business engaged in commerce with or employed by the Corporate Commission. A Member may be engaged in other businesses, vocations, or employment, which do not create a conflict of interest with their duties;
- (v) persons related to any Gaming Contractor licensed by the Authority, including any principal thereof or Closely Associated Independent Contractor; and
- (vi) the Chief Executive or members of the Band Assembly.

**(G) Removal from Membership.**

Member may be removed by a super-majority vote of four (4) out of five (5) members of the Joint Session of the Band Assembly. The determination of the Joint Session is final and unappealable to the Court of Central Jurisdiction.

**(c) Organization.**

**(1) Meetings.**

**(A) Regular Meetings.** Regular meetings of the Board shall be held at least monthly and upon written notice. The dates of regular meetings shall be set by official action of the Board.

**(B) Special Meetings.** Special meetings of the Board may be called by the Chairperson with a minimum of forty-eight (48) hours written notice to the Board Members, by the Director with a minimum of forty-eight (48) hours written notice to the Chairperson, or by a majority vote of the Board with forty-eight (48) hours written notice to the Chairperson.

**(C) Other.** Either Regular or Special meetings may be called by petition of a majority of a quorum of the Board Members other than the Chairperson upon forty-eight (48) hours written notice to the Chairperson.

(2) **Quorum.** Three (3) members of the Board shall constitute a quorum.

(3) **Voting.**

(A) All actions of the Board shall be taken by majority vote.

(B) The Chairperson shall vote only in the following circumstances:

(i) to break a tie; and

(ii) if necessary, to constitute a quorum in the absence of other Members.

(4) **Compensation.**

(A) **Board Meetings.** Members, including the Chairperson, shall be compensated with two-hundred and fifty dollars (\$250) per meeting, not to exceed five hundred dollars (\$500) in one month, except that in the case of a demonstrated emergency, the Chairperson may petition the Secretary-Treasurer for compensation for additional meetings. Mileage and other travel expenses will be compensated on the same terms and conditions as apply to Senior Executive Staff appointees as provided by Band law.

(B) **Training.** If Member are not Band government employees and are required to be absent from their employment to attend mandatory training pursuant to 11(b)(C)(3)(vi), then Members shall be compensated at their previously documented hourly rate of pay for each hour that they are in attendance at such training plus mileage and other travel expenses as stated in (A) above. If Members are Band government employees, then absence from employment will not be deducted from their accrued annual leave and they will be paid as if they were at work plus expenses as stated in (A) above.

(d) **Powers and Duties of the Authority.**

(1) **General.** The Authority shall be responsible for ensuring that all Gaming Activities on Band Lands are carried out in compliance with the Indian Gaming Regulatory Act, Band Gaming Laws, the Compacts and other applicable law. To this end, the Authority shall exercise regulatory, not operational authority over any Gaming Enterprise and Charitable Gaming. All management and operational authority over any Gaming Enterprise shall remain with the Corporate Commission separate and distinct from the Authority. The Office of Gaming Regulation and Compliance shall provide staff and administrative support, and office space and equipment, which shall be separate and not under the authority of the Corporate Commission. The Authority may retain such consultants and enter into such contracts as it may deem necessary to carry-out its duties as specified in this Act; however, it shall not the hire employees of the Office of Business Regulation and Compliance. In addition, as an agency of Band government, the

Authority shall comply with all Band laws, including the Procurement Act, for all contracts including professional services contracts. The Authority may bring such actions as may be necessary to carry-out its duties, including but not limited to, the enforcement of this Act and other Band Gaming Laws.

**(2) Regulations.**

**(A) Power and duty.** The Authority shall have the power and duty to develop, adopt and promulgate regulations regarding:

- (i)** licensing of Gaming Enterprises;
- (ii)** licensing and Background Investigations of Key Employees and Primary Management Officials;
- (iii)** licensing and Background Investigations of Gaming Suppliers;
- (iv)** conducting annual independent audits of all gaming operations of the Band;
- (v)** permitted games and the conduct thereof;
- (vi)** standards and criteria for gaming machines and for testing machines;
- (vii)** audio and video surveillance standards;
- (viii)** minimum internal cash, playing card, chip and token control standards and procedures for gaming operations;
- (ix)** procedures for compliance with the Bank Secrecy Act and applicable provisions of the Internal Revenue Code;
- (x)** resolving gaming related disputes involving patrons and vendors of any Gaming Enterprise, after exhausting all remedies available at the Gaming Enterprise;
- (xi)** Charitable Gaming as provided in section 6(b)(3) of this Act;
- (xii)** the prevention and cure of compulsive gambling as provided in section 16 of this Act;
- (xiii)** the development and maintenance of a list of excluded Persons as provided in section 11(d)(9) of this Act;

(xiv) related reporting, record-keeping, auditing, investigation and enforcement procedures;

(xv) dispute resolution procedures, including OGR&C employee appeals;

(xvi) reasonable fines and other penalties for violations of this Act, Band gaming laws, the IGRA, the Compacts and other applicable law; and

(xvii) other activities as required by law.

**(B) Rulemaking Process.** The Authority shall promulgate the regulations authorized by section 11(d)(2) with or without hearing according to the notice and comment process specified herein.

**(i) Notice of intent to adopt.** The Authority shall give notice of its intent to adopt a regulation by posting a copy of the notice in the Band Government Center and the Community Centers in Districts II and III, and by delivering a copy of the notice by U.S. mail or other appropriate means to the Chief Executive, the Speaker of the Band Assembly, the Solicitor General, the Commissioner for Administration; the Corporate Commissioner; and the manager of any Gaming Enterprise. The notice shall include a copy of the proposed regulation and a description of the nature and effect of the proposed regulation. In addition, the notice shall include the following statements:

(a) comments may be submitted on the proposed regulation no later than thirty days from the date of the notice; and

(b) the proposed regulation may be modified if supported by the data and views submitted.

**(ii) Review, adoption, notice of adoption.** The Authority shall review all comments received during the comment period, shall make such changes to the proposed regulation as it deems reasonable and appropriate, and shall approve the regulation by resolution. The Authority shall, by official action, set the effective date of the regulation and publish and post copies of a notice of adoption of the regulation in the same manner as for the notice of intent to adopt the regulation. The notice of adoption shall summarize the final regulation and the changes to the proposed regulation, state the effective date, and announce that free copies of the regulation are available from the Authority. In addition, copies of the notice and the final regulation shall be delivered by U.S.

mail or other appropriate means to all Persons who were sent a copy of the notice of intent.

(iii) **Adoption is a compliance determination.** Approval of any regulation by the Authority shall be considered a Compliance Determination for purposes of effecting an appeal pursuant to section 13 of this Act.

(C) **Initial Detailed Gaming Regulations.** The Authority shall adopt a set of Initial Detailed Gaming Regulations within 180 days after the first meeting of all of the members of the first Authority Board. Upon approval by the Band Assembly, such regulations shall supersede those currently codified at 15 App. section 1.001 through section 18.004 of the MLBSA. The Initial Detailed Gaming Regulations shall adopted pursuant to section 11(d)(2)(B), except that the Joint Session of the Band Assembly may act to annul such regulations in whole or in part within sixty (60) days of receipt by the Joint Session. Thereafter, any gaming regulation may be annulled by statute. The regulations currently codified will remain in effect until the sixty-day annulment period has lapsed, or for regulations annulled by the Joint Session, until the Joint Session has granted final approval.

(3) **Monitoring and Investigation.**

(A) **General.** The Authority shall have the power and duty to monitor and investigate:

(i) all Gaming Enterprises for compliance with the IGRA, Band Gaming Laws, the Compacts and other applicable law and to undertake such related investigations and enforcement actions as it deems necessary, including, but not limited to, investigating and evaluating the effectiveness of the Mille Lacs Band gaming regulatory system;

(ii) to help resolve all gaming related patron and vendor complaints that have not been resolved by agreement of a complainant and the Gaming Enterprise;

(iii) prior to levying fines, granting, denying or suspending licenses;

(iv) to assure compliance with the rules concerning Charitable Gaming;

(v) to assure compliance with compulsive gambling cure and prevention requirements;

(vi) to develop, maintain and enforce a list of Persons to be excluded from Gaming Enterprises;

(vii) and take any and all other similar action it deems to be necessary or desirable to carry out the powers and duties granted by this section.

**(B) Scope of investigations and related activities.** Any investigations and related activities, including, but not limited to electronic and non-electronic searches of credit histories, arrests, and judgements, and electronic surveillance shall be strictly limited to official Authority duties under law. All such investigations and related activities may be undertaken only after review by legal counsel that the scope and subject of any such activities complies with this Act and other applicable law. Individuals who perform investigations and related activities outside the scope of this Act and other applicable law are subject to immediate dismissal and reasonable fines.

**(C) Access.** The Authority shall have access to all books, files, records, reports, and other data regarding the operation of all Gaming Enterprises, whether in written or electronic form, as it deems necessary or desirable to carry out its legitimate regulatory duties.

**(D) Surveillance.** The Surveillance Department shall be under the control and supervision of the Authority; however, a Gaming Enterprise shall have access to electronic surveillance output as further defined in the Detailed Gaming Regulations.

**(E) Cooperation of the Gaming Enterprises with the Authority.**

The Authority may:

(i) require associates of any Gaming Enterprise to compile and provide such data and to testify as to matters within their knowledge concerning the operation of the Gaming Enterprise; and

(ii) require the associates of any company that is managing a Gaming Enterprise on behalf of the Corporate Commission, or any other Person within the jurisdiction of the Band to comply and provide such data and to testify as to matters within their knowledge concerning the operation of the Gaming Enterprise.

**(4) Licensing.**

**(A) General.** The Authority shall promulgate regulations for granting, suspending, and revoking licenses, which are consistent with Band law, the IGRA, and the Compacts regarding matters of licensure.

**(B) Minimum Licensing Requirements.** It is the policy of the Band that all Gaming Activities and Enterprises be licensed and controlled so as to protect the morals, good order, and welfare of Band members and other persons on Band lands and to preserve the honesty, fairness and integrity of such gaming activities. Accordingly, no person shall engage in any class II or class III Gaming Activities on Band Lands without an appropriate and valid independent class II or class III license issued by the Authority. In addition, the Authority shall issue a separate license to each place, facility, or location on Band Lands where the Band elects to allow class II or class III gaming. The Authority shall perform background investigations and issue licenses for key employees and management officials according to requirements that are at least as stringent as those in 25 C.F.R. parts 556 and 558 which are hereby incorporated into this Act, unless otherwise superceded pursuant to an agreement with the NIGC. No license shall be issued that would place the Band in violation of applicable law or the Compacts.

**(C) Mandatory Licensing Application Provisions and Procedures**

(i) Notices to applicants.

(a) Privacy Notice. The Authority shall place the following notice on the application form for a key employee or a primary management official before that form is filled out by an applicant: *In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official of key employee position.*

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

(b) The Authority shall place the following notice on the application form for a key employee or a primary management official before that form is filled out by any applicant. *A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).*

(c) If there exists any key employees or primary management officials who have filled out forms which did not contain the notice stated in (b) above, then the Authority shall notify in writing such employees and officials that they shall either:

(I) Complete a new application form that contains a notice regarding false statements; or

(II) Sign a statement that contains the notice regarding false statements.

(ii) Information required from an applicant. Each application for key employees and primary management officials shall request from each applicant the following information set forth at 25 C.F.R. section 556.4(a)(1)-(14).

(a) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

(b) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses and residence addresses, and drivers license numbers;

(c) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (2) of this section;

(d) Current business and residence telephone numbers;



- (e) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
  - (f) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
  - (g) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
  - (h) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
  - (i) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
  - (j) For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (8) or (9) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
  - (k) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
  - (l) A photograph;
  - (m) Any other information the Authority deems relevant;  
and
  - (n) Fingerprints consistent with procedures adopted by the Band according to 25 C.F.R. section 522.2(h).
- (iii) Mandatory Licensing Procedures

(a) Fingerprints. Fingerprints of each applicant for the position of key employee or primary management official will be taken by the Mille Lacs Department of Justice and sent to Minnesota Gambling Enforcement in accordance with the Tribal-State Compact. Minnesota Gambling Enforcement will send the fingerprint cards to the FBI for a check of criminal history records information maintained by the FBI and return the results back to the Band.

(b) Reporting to the NIGC

(I) When the Band employs a primary management official or a key employee, the Band shall forward to the Commission a completed application containing the information listed under section 556.4(a)(1)-(13) of 25 C.F.R.

(II) Before issuing a license to a primary management official or to a key employee, a tribe shall forward to the Commission an investigative report on each background investigation. An investigative report shall include all of the following:

1. Steps taken in conducting a background investigation;
2. Results obtained;
3. Conclusions reached; and
4. The bases for those conclusions.

(III) When the Band forwards its report to the Commission, it shall include a copy of the eligibility determination made under 25 C.F.R. part 558.2.

(IV) If the Band does not license an applicant

1. The Band shall notify the Commission; and
2. May forward copies of its eligibility determination under 25 C.F.R. part 558.2 and investigative report (if any) under 25 C.F.R. part 556.5(b) to the Commission for inclusion in the Indian Gaming Individuals Record System.

(V) When a key employee of a primary management official begins work at a gaming operation the Band shall:

1. Forward to the Commission a completed application for employment that contains the notices

and information listed in 25 C.F.R. parts 556.2, 556.3, and 556.4; and

2. Conduct a background investigation under 25 C.F.R. part 556 to determine the eligibility of the key employee or primary management official for continued employment in a gaming operation.

(VI) Upon completion of a background investigation and a determination of eligibility for employment in a gaming operation under 25 C.F.R. 558.3(a)(2), the Band shall forward a report under 25 C.F.R. 556.5(b) to the Commission within 60 days after an employee begins work or within 60 days of the Chairman's approval of an ordinance under 25 C.F.R. part 523. A gaming operation shall not employ a key employee or primary management official who does not have a license after 90 days.

(VII) During a 30-day period beginning when the Commission receives a report submitted under 25 C.F.R. 558.3(b), the Chairman may request additional information from a tribe concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period until the Chairman receives the additional information.

(c) Granting a gaming license

(I) If, within the 30-day period described in 25 C.F.R. 558.3(c) of this part, the Commission notifies the Authority that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Band has provided an application and investigative report to the Commission pursuant to 25 C.F.R. parts 558.3(a) and (b), the Band may go forward and issue a license to such applicant.

(II) If, within the 30-day period described in 25 C.F.R. part 558.3(c), the Commission provides the Authority with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the tribe has provided an application and investigative report to the Commission pursuant to 25 C.F.R. parts

558.3(a) and (b), the Authority shall reconsider the application, taking into account the objections itemized by the Commission. The Authority shall make the final decision whether to issue a license to such applicant.

(d) License Suspension

(I) If, after the issuance of a gaming license, the Commission receives reliable information indicating that a key employee or a primary management official is not eligible for employment under 25 C.F.R. part 558.2, the Commission shall notify the Authority that issued a gaming license.

(II) Upon receipt of such notification under (I) of this section, the Authority shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

(III) The Authority shall notify the licensee of a time and a place for a hearing on the proposed revocation of a licensee.

(IV) After a revocation hearing, the Authority shall decide to revoke or to reinstate a gaming license. The Authority shall notify the Commission of its decision.

(e) Standard for license denial

(I) If the Authority, in applying the standards adopted in this ordinance, determines that employment of a person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Authority shall not employ that person in a key employee or primary management official position.

**(D) Licensing a privilege.** Any gaming license, or finding of suitability or approval, which is issued by the Authority, shall be deemed a privilege subject to suspension or revocation.

**(E) Burden on Applicant.** The burden of proving an applicant's qualification to receive any license hereunder is at all times on the applicant. Applicants must accept any risk of adverse public notice, embarrassment or other action which may result from the application process and expressly waive any claim for damages as a result thereof.

**(F) Applicant Claim of Privilege.** An applicant may claim any privilege afforded by law in connection with a gaming license application or investigation, but a claim of privilege with respect to any testimony or evidence pertaining thereto may constitute sufficient grounds for denial, suspension or revocation.

**(G) Release of Information.** All persons applying for a license shall agree to release all information necessary in order for the Authority to achieve its goals under his Act, and to furnish such information to the Bureau of Indian Affairs, the National Indian Gaming Commission, or such other governmental agency as may be required by law or the Compact.

**(H) License Investigations.** The Authority may employ all reasonable means, including engaging outside services and investigators, and convening hearings, to acquire the information necessary to determine whether or not a license should be issued, suspended or revoked. Applicants and licensees shall also agree to release all information necessary in order for the Authority to achieve its goals under this section and to furnish such information to the Authority, the National Indian Gaming Commission or other agency as may be required by law or the Compact. In conducting a background investigation, the Authority and its agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

**(I) License Fees.** All Gaming Enterprises or persons applying for a license or the gaming enterprise associated with the license applicant shall be required to pay all applicable license fees and costs when due, including a reasonable deposit for costs incurred in obtaining information in connection with the license application, unless specifically waived in advance by the Authority. Estimates of licensing costs shall be provided to applicants within a reasonable period of time after a request is made. The Authority prior to issuing of the license must receive all fees and costs; unless otherwise provided for in advance. Such fees shall be included in the Initial Detailed Gaming Regulations.

**(J) Appeals.** All customers, vendors, licensees, and persons who have been denied a license, or had their license suspended or revoked, may appeal pursuant to the procedures detailed in this Act and the Detailed Gaming Regulations.

(5) **Compliance Determinations.** The Authority shall convene to consider a Compliance Recommendation within ten (10) days of its receipt from the Director as required by section 12(b)(2), unless, only for issues of licensing, the Authority has received notice of intent to appeal directly to the Court of Central Jurisdiction from the person who has received notice of an adverse licensing recommendation. In addition to the Compliance Recommendation, the Authority may consider any oral or written comments offered by the parties that the Authority deems to be relevant. The Authority may consider any additional information it determines to be necessary and appropriate to reaching a determination. All information considered by the Authority shall become part of the official record of the proceedings. Based on substantial evidence contained in the official record, the Authority shall make a Compliance Determination by accepting, rejecting or modifying the Compliance Recommendation. The Authority shall clearly state on the record its decision and the reasons therefor. Compliance Determinations shall be effective on the date made, unless the Authority establishes a different effective date. In arriving at any Compliance Determination, the Authority may employ the services of a Hearing Examiner to either make a recommendation for a Compliance Determination or to issue a Compliance Determination on behalf of the Authority.

(6) **Independent Audits.** Annual outside auditing by a recognized independent accounting firm shall be conducted of each Gaming Activity for compliance with Band gaming laws, the IGRA, and the Compacts, and the results thereof reported to the Chief Executive, the Band Assembly, and to the extent required by law, the Bureau of Indian Affairs and the National Indian Gaming Commission or another entity. In addition, such audits shall include all contracts related to class II or III gaming, which are in excess of \$25,000, and any other contract of a lesser amount at the discretion of the Authority.

(7) **Enforcement.** Any enforcement action taken shall be fair and reasonable under the circumstances, shall be proportionate to the violation, and shall be designed to promote the goals of correction and improvement, unless the violation is such that correction and improvement is not possible. Any enforcement action taken by the Authority must be related to its gaming regulatory function. Any such enforcement action shall be considered to be a Compliance Determination and as such, is appealable pursuant to section 13 of this Act. In a manner provided by regulation, the Authority may hold such hearings, make such findings, and issue such orders as may be necessary to enforce Band Gaming Laws, the IGRA, the Compacts and other applicable law, including but not limited to:

(A) revoking or suspending any license issued to an individual, Gaming Supplier, or Gaming Enterprise as allowed by this Act;

(B) imposing civil fines reasonably proportionate to the activity being punished. Such monies shall be deposited in the Band's general fund. A fine schedule including minimum and maximum fine amounts shall be included in the Initial Detailed Gaming Regulations; and

(C) adding a Person to a list of Persons excluded from Gaming Enterprises.

(8) **Limitations on Actions.** Any enforcement action of Authority or order of the Court of Central Jurisdiction pursuant to any appeal shall be limited as follows:

(A) The Authority is not authorized to order the cessation of operations of a Gaming Enterprise. Such an order for cessation of operations of a Gaming Enterprise may only occur upon:

(i) recommendation by majority vote of the Authority to the Joint Session of the Band Assembly that a Gaming Enterprise be closed citing the specific cause for which closure is being recommended and the conditions under which the cause of closure shall be determined remedied, thereby allowing the reopening of the Gaming Enterprise; and

(ii) a Super-majority vote of four (4) out of five (5) members of the Joint Session of the Band Assembly ordering closure of a Gaming Enterprise citing the specific cause for which closure is being recommended and the conditions under which the cause of closure shall be determined remedied, thereby allowing the reopening of the Gaming Enterprise.

(B) All claims by patrons against a Gaming Enterprise shall be limited to a maximum recovery of \$10,000 per claim and a cumulative limit of \$20,000 per patron per year regardless of the number of claims.

(C) All claims by Vendors or Gaming Suppliers against a Gaming Enterprise shall be limited to the amount of the contract between the Vendor or Gaming Supplier and the Gaming Enterprise that is the subject matter of the claim. However, this provision is subject to the existence of an effective waiver of sovereign immunity pursuant to Band statutes. Under no circumstances shall punitive or other damages, costs, and fees be ordered.

(D) All claims involving denial, suspension or revocation of a gaming license shall be limited to an award of specific performance of granting or reinstating such license. No monetary award shall be awarded on a license claim.

(9) **Excluded Persons.**

(A) **Exclusion List; Creation; Effect.** Subject to the criteria and procedures of this section, the Authority shall establish and maintain an

Exclusion List. Individuals whose names appear on the Exclusion List shall not be allowed to enter any Gaming Enterprise or participate in any class II or class III Gaming operated by any Gaming Enterprise whether on behalf of the Band or an Indian Charitable Organization.

**(B) Duty to Exclude.** It shall be the duty of the Commissioner and the manager of each Gaming Enterprise to exclude or eject from a Gaming Enterprise any Person whose name appears on the Exclusion List. Any associate of a Gaming Enterprise who knows or has reason to know that an excluded Person has entered or is attempting to enter a Gaming Enterprise shall be responsible for notifying appropriate staff and taking such other action as is within the scope of the associate's authority and responsibility to exclude or eject such Person.

**(C) Distribution and Availability of Exclusion Lists.**

The Authority shall maintain a list of Persons to be ejected or excluded from Gaming Enterprises. It shall be the duty of the manager of each Gaming Enterprise to inform the Commissioner in writing of the name of each Person who the manager reasonably believes meets the criteria for placement on the Exclusion List as established by (D) below. The Commissioner, in turn, will provide such names to the Director. The list shall be distributed to each Gaming Enterprise. The list shall be made available to law enforcement agencies if properly subpoenaed or upon request based upon a documented law enforcement need for the list. The following information, to the extent known, shall be provided for each excluded Person:

- (i) the full name, date of birth, and all alias;
- (ii) a physical description;
- (iii) the effective date the Person's name was placed on the list;
- (iv) a photograph, if available;
- (v) the Person's occupation and his current home and business address;
- (vi) the specific reason for exclusion;
- (vii) the date, if any, exclusion will expire; and
- (viii) such other information as may be deemed necessary by the Director or the Authority.



**(D) Criteria for Exclusion or Ejection and Placement on an Exclusion List.**

The Authority may, based upon the recommendation of the Director, or the Director by Emergency Enforcement Order subject to the provisions of section 12(b)(3), place a Person on the Exclusion List pending a hearing by the Authority if:

- (i) such Person has been convicted of a felony in any jurisdiction, any crime that brings into question the person's honesty and integrity, including, but not limited to shoplifting, theft, robbery, burglary, embezzlement, conspiracy to commit a crime, or of a gambling related crime;
- (ii) such Person has violated or conspired to violate any provisions of the Indian Gaming Regulatory Act, Band Gaming Laws, the Compacts and other applicable law;
- (iii) such Person has a notorious or unsavory reputation which would adversely affect public confidence and trust in gaming. The list of which acts constitute such reputation shall be included in the Initial Detailed Gaming Regulations;
- (iv) his or her name appears on any valid and current Exclusion List from another jurisdiction and the reason for exclusion from such other jurisdiction would also be likely to cause exclusion from Band Gaming Enterprises;
- (v) pursuant to section 15(f), the Person requests to be excluded, by means which allows the Authority to positively identify the person, due to a demonstrable gambling problem.

**(E) Procedure for Entry of Names.**

(i) The Director of the Office of Business Regulation and Compliance shall investigate all matters concerning whether or not a Person should be placed on the Exclusion List. Upon a determination that a Person satisfies any of the criteria listed in Section 11(d)(9)(D) the Person shall be deemed a candidate for exclusion, and the Director shall prepare and submit a Compliance Recommendation as to whether the Person's name should be added to the Exclusion List and forwarded to the Authority for action. Such recommendation shall include the identity of the candidate and the nature and scope of the circumstances or reasons that such Person should be placed on the Exclusion List. Pursuant to section 12(b)(2)(B), notice of the recommendation must be given to the Person who is the subject of the recommendation and that Person

must be informed of the opportunity to offer oral or written testimony to the Authority concerning the recommendation.

**(ii)** If the Authority or subsequent review by Court of Central Jurisdiction finds in favor of the candidate or excluded Person, then his or her name shall be removed from the excluded list and his or her exclusion shall be terminated as of the date of the action by the Authority or the Court of Central Jurisdiction. If the finding is against the candidate or excluded Person, then his or her name shall be placed on the Exclusion List. If no hearing is requested, then the Person's name shall be placed on the Exclusion List. The Authority may place a Person on the Exclusion List either permanently or temporarily. If a Person is placed on the Exclusion List temporarily, then the Authority shall clearly state the period of time that the Person will be on the Exclusion List.

**(F) Removal from the Exclusion List.** Any Person who has been placed on the Exclusion List may petition the Authority in writing, not more frequently than annually, that his or her name be removed from the list.

**(G) Confidential Data.** The Exclusion List shall be classified as Confidential Limited Availability Data.

**(H) Immediate Removal of Disorderly Persons.** A Gaming Enterprise may immediately remove and bar re-entry of any Person who engages in, or is reasonably believed likely to engage in, disruptive, unruly, or any other behavior which presented a danger to the health, welfare, morals, or the public peace. The manager of the Gaming Enterprise may seek to have such a removed and barred individual placed on the Exclusion List.

**(10) Regulatory Role.** The Authority is to serve in a regulatory role, not in an operations role in connection with Gaming Activities conducted by any Gaming Enterprise. The scope of the Authority's authority is limited strictly to the powers and duties specifically enumerated in section 11(d) of this Act.

**(e) Budget.** The Authority and the Office of Gaming Regulation and Compliance (OGR&C), as established in section 12 below, shall have budget and expenditure authority independent of gaming operations. Funding for the Authority and OGR&C shall be adequate to allow the Authority and OGR&C to perform the task of gaming regulation. Such funding for the Authority and OGR&C shall conform to Band appropriation laws and shall not be reliant on the discretion of any management official of a Gaming Enterprise who is subject to regulation of the Authority.

**Section 12. OFFICE OF GAMING REGULATION AND COMPLIANCE (OGR&C);  
DIRECTOR OF GAMING REGULATION AND COMPLIANCE.**

**(a) Establishment; Appointment; Qualifications; Removal and Suspension.**

**(1) Establishment.** There is hereby established the Office of Gaming Regulation and Compliance (“OGR&C”) which shall be under the management and supervision of the Director, but subject to the ultimate control of the Authority Board.

**(2) Appointment of the Director.** The Director shall be appointed by the Board by majority vote and shall report to the Board as the Board requires.

**(3) Qualifications.** The Director shall possess the following qualifications:

**(A)** experience and training in management and regulatory enforcement of sufficient scope, depth and relevancy to enable him/her to direct the work of the OGR&C;

**(B)** high moral character with no conviction for a felony or any gambling-related offense;

**(C)** freedom from any conflict of interest created by outside business interest or occupation; and

**(D)** licensure as a Primary Management Official.

**(4) Removal, suspension.** The Director may be removed for cause as manifest by a Super-majority vote of four (4) out of five (5) of the Board Members including the Chairperson. In addition, if the Director is charged in any competent jurisdiction with a felony or any gambling related crime, the Chairperson shall immediately suspend the Director with or without pay until the charges have been resolved.

**(5) Vacancy.** If there is a vacancy for any reason, then the Chairperson shall immediately appoint a Interim Director, until the Board convenes to appoint a Director.

**(b) Powers and Duties.**

**(1) Director.**

**(A) Staff.** The OGR&C shall provide staff, administrative and office support to the Authority. The Director shall appoint one or more Gaming Compliance Officers, to whom he or she may delegate certain duties of the Director, and hire such other employees or consultants as may be

necessary to perform the duties as set forth herein. All employee suspensions and terminations are appealable to the Authority Board.

**(B) Day-to-day operations.** The Director shall be responsible for the day-to-day operations of the OGR&C, subject to the authority of the Board, including:

- (i)** enforcement of all applicable gaming laws and regulations at all Gaming Enterprises;
- (ii)** investigations of any matter within the scope of authority of the Authority as described in section 11 of this Act, including but not limited to performing or causing to be performed background investigations necessary to determine if any applicant for a Primary Management Official, Key Employee or Gaming Supplier license required by this Act, or the gaming regulations adopted by the Authority, meets the applicable licensure criteria;
- (iii)** assisting the Authority in defending all decisions where an adversely impacted license applicant files an appeal to such adverse decision.
- (iv)** investigating and evaluating the effectiveness and efficiency of the Mille Lacs Band gaming regulatory system and recommending changes;
- (v)** investigating and monitoring all Gaming Enterprises for compliance with the IGRA, Band Gaming Laws, the Compacts and other applicable law upon receiving any credible report of a violation of gaming statutes or regulations, or at random or periodic intervals, with or without prior notification to the management or associates of the subject Gaming Enterprise;
- (vi)** investigating all gaming related patron and vendor complaints concerning a Gaming Enterprise that have not been resolved between the complainant and the Gaming Enterprise after full exhaustion of attempts to amicably settle the matter and make a Compliance Recommendation to the Authority concerning the matter;

(vii) investigating and monitoring all Gaming Enterprises for compliance with compulsive gambling cure and prevention requirements;

(viii) investigating and monitoring for compliance with all rules concerning Charitable Gaming;

(ix) investigating, monitoring and assisting in all matters concerning the maintenance and enforcement of a list of Persons to be excluded from Gaming Enterprises;

(x) at the request of the Authority, assisting the Authority in:

(a) the execution of any authorized enforcement actions;

(b) the preparation and defense of any appeal taken from any Compliance Determination; and

(c) the preparation of the annual budget which is to be submitted to the Band Assembly for direct appropriation for Authority activities; and

(xi) hiring and supervising the Gaming Compliance Officers and other personnel of the OGR&C;

**(C) Access to data and files of any Gaming Enterprise.** The Director shall have access to all areas, records, files and data of any Gaming Enterprise, and may interview any associate of any Gaming Enterprise with respect to matters relating to the operation of any Gaming Enterprise without first notifying the associate's supervisor or any other employee of any Gaming Enterprise, and shall have access to the results of Background Investigations carried out pursuant to section 11 of this Act or the gaming regulations adopted by the Authority.

**(D) Gaming Compliance Officers.** Gaming Compliance Officers shall be considered Key Employees for purposes of Background Investigations and licensing. Gaming Compliance Officers shall be responsible for performing investigations and otherwise assisting the Director in carrying out the duties specified herein. The Director may delegate to Gaming Compliance Officers any of the Director's powers and duties, except the power to appoint Gaming Compliance Officers.

**(E) Security of records and access to offices.** The OGR&C shall take all measures necessary to safeguard and track records. In addition, access to the offices of the OGR&C shall be strictly

controlled to assure security and maintain adequate separation of gaming regulation and gaming operations.

**(2) Compliance Recommendations, notice, time and content.**

**(A) Compliance Recommendation.** The Director shall submit a Compliance Recommendation to the Board Members and the persons stated in (B) below, which shall summarize the facts and state whether or not the license should be granted, suspended, or revoked, whether or not the documented practices and procedures satisfy the relevant statutes and regulations, and recommend appropriate corrective, enforcement, or other responsive action.

**(B) Notice, time, content.** The Director shall submit the written Compliance Recommendation within five (5) days to each Board Member, the Corporate Commissioner, the licensee or license applicant if the Compliance Recommendation involves a license denial, suspension, or revocation, and any vendor or patron who is the subject of a Compliance Recommendation for each investigation carried out pursuant to section 11(d)(4)(G) of this Act. The notice shall state that the Compliance Recommendation will be heard by the Authority Board prior to issuance of a Compliance Determination pursuant to section 11(d)(5) and contain a copy of the Authority's procedures for issuing of a Compliance Determination. In addition, the notice shall state that all parties have the right to counsel at the party's own expense, the right to appear before the Authority, the right to review the record upon which the initial Compliance Recommendation was made, and may supplement the record with additional information if deemed relevant by the Board.

**(3) Emergency Enforcement Orders.** If the Director finds that there is an immediate threat to Band assets, or that probable cause exists to believe that a crime has been, or is about to be committed, the Director may, by emergency order, immediately impose any legitimate regulatory enforcement and/or corrective action within the scope of the Authority's authority which is proportional to the harm such emergency order seeks to remedy. Emergency orders shall be in writing, and the Director shall immediately forward any such order, along with a supporting Compliance Recommendation to the Authority and the Corporate Commissioner in the manner provided by section 11(d)(9)(D) of this Act. The Authority shall act on any such order and Compliance Recommendation in the same manner as provided in section 11(d)(9)(E) of this Act, except that it shall convene to consider the order and Compliance Recommendation within three (3) days of having received the emergency order and supporting Compliance Recommendation. In any such proceeding, the Compliance Determination of the Authority shall supersede the Director's emergency order.

(c) **Regulatory Role.** The OGR&C is to serve in a regulatory role, not in an operations role. As such, the scope of the Director's authority is limited strictly to the powers and duties specifically enumerated in section 12 of this Act and to those powers and duties specifically granted to the Authority in section 11 of this Act, which have been specifically delegated to the Director by the Authority, including those limitations of actions described in section 11(d)(8) of this Act.

### Section 13. APPEALS.

(a) **Who may Appeal.**

(1) A Person who has been denied reversal of an adverse Compliance Recommendation or denied any other relief requested from the Authority may appeal such Compliance Determination or final enforcement order to the Court of Central Jurisdiction.

(2) A Person who has received a Compliance Recommendation that recommends a license denial, suspension, or revocation may directly appeal to the Court of Central Jurisdiction. If a person takes such action, then he or she waives any right to receive a Compliance Determination from the Authority.

(b) **Effecting an Appeal.** Any appeal shall be filed with the Court of Central Jurisdiction and must be filed within twenty (20) days after the date of the issuance of a Compliance Determination, final order, or a Compliance Recommendation that denies, suspends, or revokes a license.

(c) **Procedure on Appeal; Standard of Review.**

(1) The Court of Central Jurisdiction shall sit without a jury, confine its review to the Authority record, and apply an abuse of discretion standard. The filing of briefs and oral argument must be made in accordance with the Band rules governing civil cases.

(2) The Court of Central Jurisdiction may affirm the Compliance Determination or order of the Authority, or it may remand the case for further proceedings, or reverse the Compliance Determination or order if the substantial rights of the petitioner have been prejudiced because the decision is:

- (i) in excess of the statutory authority or jurisdiction of the Authority;
- (ii) made upon unlawful procedure;
- (iii) unsupported by any evidence; or
- (iv) plainly in error.

**Section 14. DATA PRIVACY.**

(a) **General Rule.** All Authority Data shall be public unless classified by a Band statute, regulation or order, or by federal law, as Confidential Data. The Authority shall adopt and promulgate detailed and thorough rules pursuant to data privacy in its Initial Detailed Gaming Regulations.

(b) **Confidential Data.**

(1) **Confidential Limited Availability Data.** The following Authority Data shall be Confidential Limited Availability Data under these restrictions:

(i) Background Investigations Information; available only in a case where information revealed through a Background Investigation is, in whole or in part, the basis for an adverse decision regarding a license applicant or license renewal. The information contained in such Background Investigation shall be made available to the license applicant or the Person seeking license renewal if so requested;

(ii) Confidential Financial Information;

(iii) Compliance Recommendations Information; available only to the extent that the Authority adopts a Compliance Recommendation or accepts the record developed by the Director supporting a Compliance Recommendation, all information so accepted or relied upon shall be public;

(iv) Personnel Data; and

(v) whether or not a Person is on the Exclusion List; however, limited only to the receipt of such information by the Person who is on the Exclusion List or his/her agent pursuant to 25 C.F.R. section 515.8.

(2) **Confidential Restricted Availability Data.** The following Authority Data shall be Confidential Restricted Availability Data under these regulations:

(i) Financial Information on a Gaming Enterprise;

(ii) Information on a Pending Compliance Recommendation;

(iii) Information on a Pending License Application;

(iv) Security Information; and

(v) Trade Secret Information.



(c) **Temporary Classification.**

(1) **Authority.** The Authority may, on its own motion or at the request of the Director, temporarily classify Authority Data as Confidential Data if it determines that:

(i) the data for which the temporary classification is sought has been treated as private or confidential by the Corporate Commission or other agencies of Mille Lacs Band Government or by the federal government; or

(ii) a compelling need exists for immediate temporary classification, which if not granted could adversely affect the public interest or the health, safety or well-being of the subject of the data.

(2) **Ratification.** No later than July 1 of each year the Authority shall submit all temporary classifications then in effect to the Corporate Commissioner for review. The Corporate Commissioner may comment on the classification and the Authority shall consider the comments of the Corporate Commissioner in reaching its decision. If the Corporate Commissioner fails to act by July 1 of the year following the submission of a temporary classification hereunder, then the classification shall thereupon expire.

(d) **Information Sharing.**

(1) **Authority.** The Authority may, on its own motion or at the request of the Director, share information with any regulatory agency of another gaming jurisdiction or any law enforcement agency where it is determined that sharing such information is in the best interest of the Band, where the agency with whom the information is to be shared assures that the shared information will remain confidential, if the other gaming jurisdiction agrees to share such information with the Band, and if sharing the information is not contrary to any applicable law.

**Section 15. COMPULSIVE GAMBLING**

(a) **Policy.** While gambling is an enjoyable form of entertainment for most people, the Mille Lacs Band recognizes that some people may have difficulty with keeping their gambling within reasonable limits. The Band is committed to helping these people to deal constructively with their actual or potential gambling problems, and in furtherance of this goal it has established the Mille Lacs Problem Gambling Prevention Program described in this section.

(b) **Program Content and Responsibility.** The Problem Gambling Prevention Program shall consist of the following elements: (1) a referral system; (2) associate training; (3) patron information and education; and (4) exclusion. The Director, in consultation with the Commissioner of Corporate Affairs subject to the review and

approval of the Authority, shall develop and update as necessary a Problem Gambling Prevention Program. The Commissioner, subject to the oversight of the Director, shall implement the program in all Gaming Enterprises.

(c) **Counseling Resources; Referrals.** The referral system of the Problem Gambling Prevention Program shall be based on a current, computerized directory of organizations and individuals that have a reputation for providing effective assistance for individuals with gambling problems. The system shall include a process for referring patrons who seek help with such problems to resources listed in the directory and for encouraging them to take advantage of such resources.

(d) **Associate Training.** Problem Gambling Prevention Training shall be provided to all casino associates who have regular contact with patrons. This training program, which shall be provided as part of the associate orientation program and require subsequent periodic in-service refreshers, shall include but not be limited to the following:

- (1) a description of the Problem Gambling Prevention Program;
- (2) the nature, extent and effects of compulsive gambling;
- (3) how to recognize the warning signs of potential and actual gambling problems; and
- (4) techniques for intervening constructively with problem gamblers.

(e) **Patron Information and Education.** Patrons shall be provided information on the Problem Gambling Prevention Program by signs and in promotional materials as provided in this section.

(1) **Signs.** Signs that clearly and in plain language inform patrons about how to obtain assistance in dealing with gambling problems shall be prominently posted at the following locations in each Gaming Enterprise:

- (A) at each entrance and exit;
- (B) at any check cashing facility within the Gaming Enterprise;
- (C) near any ATM cash machines at the Gaming Enterprise; and
- (D) any other locations as determined by the Commissioner of Corporate Affairs.

(2) **Promotional Material.** The Problem Gambling Prevention Program shall contain guidelines and suggestions for including messages about responsible gambling, the need to get help for problem gambling behavior, and the sources of such help. The Director shall monitor the promotional materials and campaigns

of each Gaming Enterprise to ensure that such messages are being included to the extent appropriate and, in cooperation with the Commissioner take such action as may be necessary to correct any deficiencies in this regard.

(f) **Exclusion.** At the request of a patron who states that he or she may have a gambling problem, or at the request of an immediate family member of a patron who alleges that the patron has a gambling problem, the patron's name may be added to the Exclusion List established pursuant to section 11(d)(9)(D).

#### **Section 16. PROHIBITED ACTIVITIES.**

(a) **Minors prohibited.** It shall be unlawful for any adult to allow a person under the age of eighteen (18) years to participate in Gaming Activities at a Gaming Enterprise, or for such minor to participate in Gaming Activities at a Gaming Enterprise.

(b) **Cheating prohibited.** It shall be unlawful to conduct or participate in any gaming in a manner which results in cheating, misrepresentation, or other disreputable tactics which distract from a fair and equal chance for all participants, or otherwise affects the outcome of the game.

(c) **Sale and consumption of alcoholic beverages.** The sale of alcoholic beverages shall not be allowed at any Gaming Enterprise, unless specifically authorized by Band Statute and properly licensed pursuant to applicable Band, federal, and state law.

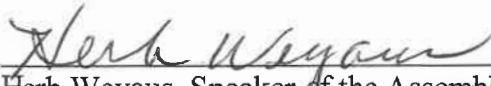
(d) **Extension of credit prohibited.** Extension of credit in any form shall not be allowed at any Gaming Enterprise, unless specifically authorized by Band Statute and properly licensed pursuant to applicable Band, federal, and state law.

**Section 17. SEVERABILITY.** If any provision or application of this Act is determined by judicial review to be invalid, such determination shall not be held to render such provision inapplicable to other persons or circumstances, nor shall such determination render invalid any other provision of this Act.

Ordinance 44-03

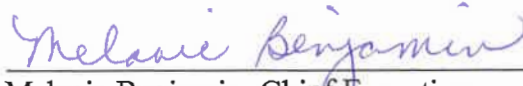
Introduced to the Band Assembly on this  
Nineteenth day of August in the year  
two thousand three.

Passed by the Band Assembly on this  
Nineteenth day of August in the year  
two thousand three.

  
Herb Weyaus, Speaker of the Assembly

APPROVED

Date: August 19, 2003

  
Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**

**Band Assembly Bill 12-02-45-06**

A Bill amending Title 15 of the Mille Lacs Band Statutes Annotated to add Section II entitled Department of Athletic Regulation in order to regulate professional athletic activities held on the Mille Lacs Band of Ojibwe reservation.

The District III Representative introduced the following Bill on the 29<sup>th</sup> day of August, 2006. On September 5, 2006, the bill was vetoed and compromise hearing was held on September 14, 2006. On September 22, 2006, the Band Assembly re-introduced the bill with changes.

**PREAMBLE**

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe the following act for the purpose of establishing a statutory system for the effective regulation of professional athletic activities on the Mille Lacs Band of Ojibwe Reservation to be called the Department of Athletic Regulation (the "DAR" or "Department"); establishing an independent regulatory authority called the Boxing Commission (the "Commission"); and for other athletic activities.

Title 15 of the Mille Lacs Band Statutes Annotated shall be amended to add Section II entitled Department of Athletic Regulation as follows:

**Section 1 – Professional Boxing and Mixed Martial Arts**

This act and attached Rules and Regulations (Exhibit A) shall constitute the entire professional athletic activity laws and regulations of the Band. No professional boxing, sparring, mixed martial arts or other professional athletic exhibitions shall be conducted, held or given on the Mille Lacs Band of Ojibwe Reservation except in accordance with the provisions of this Ordinance and the attached Department's Rules and Regulations.

By adoption of this act, the Band Assembly does hereby adopt the attached Rules and Regulations as the initial regulations of the Department of Athletic Regulation. The Commission, with the approval of the Band Assembly, shall have the right to amend these regulations as the need arises.

**Section 2 – Purpose of the Commission**

By this Ordinance, the Commission is created to regulate, administer and oversee the conduct of all professional athletic events held on the Mille Lacs Band of Ojibwe Reservation, including professional boxing and mixed martial arts, for the purpose of promoting the health, safety and welfare of all persons engaged in such activities, and that of Band Members and the public. The Commission shall direct a Commission member and/or Department Manager to be present at each place where professional boxing, mixed martial arts or other professional athletic activities are to be held pursuant to the provisions of this Ordinance. The Department Manager and/or Commissioner shall

make a written report of the exact conditions surrounding such match or exhibition in the form and manner prescribed by the Commission.

### Section 3 – Jurisdiction of the Commission

The Commission shall have and is hereby vested with the sole discretion, management, control and jurisdiction over all professional boxing, sparring, mixed martial arts and other professional athletic exhibitions to be conducted, held or given on the Mille Lacs Band of Ojibwe Reservation and over all licensing of any and all persons who participate in such activities. All gyms, clubs, training camps and other organizations that provide training facilities for persons preparing for participation in professional boxing, sparring or mixed martial arts are also included.

### Section 4 – Boxing Commission

(a) The Department shall be managed by a Board of Directors to be known as the Boxing Commission. At all times, at least one Commissioner should be selected from each District. The Board members shall be known as “Commissioner.”

(b) The Commission shall consist of five (5) individuals who shall be appointed to sit on the Commission for a staggered term of years as follows:

- (1) Initially, the term shall be two (2) or three (3) years; and
- (2) Thereafter, the term shall be for four (4) years.

(b) Each Commissioner shall be appointed using the following process:

- (1) The Chief Executive shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall place the nomination on the Band Assembly calendar for ratification of one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (2) The Secretary-Treasurer shall nominate two (2) individuals and submit their names to the Chief Executive. Within ten (10) calendar days after receipt of the nominations, the Chief Executive shall ratify one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (3) The District I Representative shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall place the nomination on the Band Assembly calendar for ratification of one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2009. Any subsequent

- appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (4) The District II Representative shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall place the nomination on the Band Assembly calendar for ratification of one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2009. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
  - (5) The District III Representative shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall ratify one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2009. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
  - (6) If the Chief Executive or Band Assembly does not ratify one individual from any of the nominations sent to them within the time prescribed, a meeting of the elected officials should be held at the earliest opportunity to discuss such nomination and selection of the Commissioner shall be by super-majority vote.
  - (7) If the Chief Executive does not submit a nomination within sixty (60) days after adoption of this Ordinance or within sixty (60) days after a vacancy has occurred, then the Band Assembly shall nominate and ratify two (2) individuals by majority vote. The terms of such ratification is as stated in paragraph (c)(1) of this section.
  - (8) If the Secretary-Treasurer does not submit a nomination within sixty (60) days after adoption of this Ordinance or within sixty (60) days after a vacancy has occurred, then the Band Assembly shall nominate and ratify two (2) individuals by majority vote. The terms of such ratification is as stated in paragraph (c)(2) of this section.
  - (9) **If one of the District Representatives fails to submit a nomination within sixty (60) days after adoption of this Ordinance or within sixty (60) days after a vacancy has occurred, the Chief Executive and Secretary-Treasurer shall each nominate one (1) individual from that district. The Speaker of the Assembly shall then place the names on the Band Assembly calendar for ratification to the Commission. The terms of such ratifications are as stated in paragraphs (c)(3) through (c)(5) of this section.**
  - (10) No person appointed as a Commissioner shall take office until swearing to the oath of office pursuant to 2 MLBSA § 8.

(c) Qualifications of Commissioners are as follows:

- (1) Commissioners shall be individuals who are of high moral character and integrity, who have a reputation for being honest, fair, objective, and who are recognized as possessing sound judgment.
- (2) It is preferred that Commissioners be individuals with an interest in boxing or mixed martial arts or be individuals that have a background in amateur boxing.
- (3) Commissioners may not have been convicted of a felony within ten (10) years of adoption of this Ordinance.
- (4) No fewer than three (3) Commissioners shall be Band members. There shall be at least one Commissioner from each of the Band's three districts.
- (5) Commissioners may not be employed by the Corporate Commission or a MLBO gaming enterprise.
- (6) Commissioners shall be subject to background investigations.

(d) Commission officers.

- (1) The Commission shall have a Chairperson, Vice-Chairperson and a Secretary.
- (2) The Chairperson of the Commission shall be determined by a majority vote of the elected officials and selected from one of the current Commissioners or, if there is a vacancy, the individual who is appointed to fill such vacancy.
- (3) The Vice-Chairperson shall be selected by the Commission by majority vote.
- (4) The Secretary shall be selected by the Commission by majority vote.

(e) Board Duties.

- (1) The Chairperson shall preside over meetings of the Commission and the Vice-Chairperson shall preside over meetings of the Commission in the absence of the Chairperson. The Secretary shall record in writing the minutes of all Board meetings and all official actions taken by the Commission. A copy of the minutes shall be provided to the Band Assembly and Chief Executive.
- (2) Commissioners shall serve part-time, however, the Commission shall meet a minimum of once per month.

(f) Vacancies.

- (1) The Chairperson shall notify the Band Assembly and Chief Executive of any vacancy on the Commission at least thirty (30) days prior to the end of term or, in circumstances other than the end of a term, immediately upon the knowledge that a vacancy will occur.
- (2) If there is a vacancy on the Commission, then the vacancy shall be filled in the same manner as the vacating Commissioner who was originally appointed.



(3) Any Commissioner, including the Chairperson, appointed to fill a vacancy shall serve for the remainder of the vacant term, however, any Commissioner may be re-appointed during this time period pursuant to paragraph (c) of this section.

- (g) No elected official shall serve as a Commissioner during his/her term of office.
- (h) Removal. A Commissioner may be removed by a super-majority vote of four (4) out of five (5) members of the elected officials. The determination of the elected officials is final and unappealable to the Court of Central Jurisdiction.
- (i) Compensation. Commissioners shall be paid Two Hundred and Fifty and No Dollars (\$250.00) per meeting, not to exceed Five Hundred and No Dollars (\$500.00) in one month. Mileage and other travel expenses will be compensated on the same terms and conditions as applicable to Senior Executive Staff appointees as provided by Band law. Commissioner stipend is restricted to his/her attendance at official meetings of the Commission.
- (j) Training.
  - (1) Commissioners shall attend one or more training seminars per year during their terms of membership. These seminars shall be sanctioned by the Association of Boxing Commissioners (“ABC) or other professional boxing or martial arts organization.
  - (2) Commissioners attending mandatory training seminars, who are also employees of the Band government, shall be compensated at their documented rate of pay for each hour they are in attendance at such training plus mileage and other travel expenses as stated in paragraph (j) in this section. Commissioners, who are also employees of the Band government, shall not be required to use his/her accrued annual leave, but will be paid as if they were at work.

#### Section 5 – No Right of Action

This Ordinance does not create any right, cause of action or benefit enforceable at law or in equity by any individual, entity or party against the Mille Lacs Band of Ojibwe, its representatives, elected officials, Athletic Department or the Commission.

#### Section 6 – Medical Standards

There shall be two (2) ringside physicians present at each professional boxing or mixed martial arts event. At the earliest opportunity, all such physicians shall be registered with and attend training sessions with the American Association of Professional Ringside Physicians (“AAPRP”). All ringside physicians must be licensed in the State of Minnesota and have professional qualifications suitable to professional boxing or mixed martial arts. Accepted medical background includes, but is not limited to, internal medicine, neurology or general practice. All regulations adopted with the passage of this Ordinance shall be followed.

## Ordinance 45-06

An ordinance amending Title 15 of the Mille Lacs Band Statutes Annotated to add Section II entitled Department of Athletic Regulation in order to regulate professional athletic activities held on the Mille Lacs Band of Ojibwe reservation.

The District III Representative introduced the following Bill on the 29<sup>th</sup> day of August, 2006. On September 5, 2006, the bill was vetoed and compromise hearing was held on September 14, 2006. On September 22, 2006, the Band Assembly re-introduced the bill with changes.

### PREAMBLE

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This act and attached Rules and Regulations (Exhibit A) shall constitute the entire professional athletic activity laws and regulations of the Band. No professional boxing, sparring, mixed martial arts or other professional athletic exhibitions shall be conducted, held or given on the Mille Lacs Band of Ojibwe Reservation except in accordance with the provisions of this Ordinance and the attached Department's Rules and Regulations.

By adoption of this act, the Band Assembly does hereby adopt the attached Rules and Regulations as the initial regulations of the Department of Athletic Regulation. The Commission, with the approval of the Band Assembly, shall have the right to amend these regulations as the need arises.

#### Section 2 – Purpose of the Commission

By this Ordinance, the Commission is created to regulate, administer and oversee the conduct of all professional athletic events held on the Mille Lacs Band of Ojibwe Reservation, including professional boxing and mixed martial arts, for the purpose of promoting the health, safety and welfare of all persons engaged in such activities, and that of Band Members and the public. The Commission shall direct a Commission member and/or Department Manager to be present at each place where professional boxing, mixed martial arts or other professional athletic activities are to be held pursuant to the provisions of this Ordinance. The Department Manager and/or Commissioner shall

make a written report of the exact conditions surrounding such match or exhibition in the form and manner prescribed by the Commission.

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The Commission shall have and is hereby vested with the sole discretion, management, control and jurisdiction over all professional boxing, sparring, mixed martial arts and other professional athletic exhibitions to be conducted, held or given on the Mille Lacs Band of Ojibwe Reservation and over all licensing of any and all persons who participate in such activities. All gyms, clubs, training camps and other organizations that provide training facilities for persons preparing for participation in professional boxing, sparring or mixed martial arts are also included.

### Section 4 – Boxing Commission

(a) The Department shall be managed by a Board of Directors to be known as the Boxing Commission. At all times, at least one Commissioner should be selected from each District. The Board members shall be known as “Commissioner.”

(b) The Commission shall consist of five (5) individuals who shall be appointed to sit on the Commission for a staggered term of years as follows:

- (1) Initially, the term shall be two (2) or three (3) years; and
- (2) Thereafter, the term shall be for four (4) years.

(b) Each Commissioner shall be appointed using the following process:

- (1) The Chief Executive shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall place the nomination on the Band Assembly calendar for ratification of one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (2) The Secretary-Treasurer shall nominate two (2) individuals and submit their names to the Chief Executive. Within ten (10) calendar days after receipt of the nominations, the Chief Executive shall ratify one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (3) The District I Representative shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall place the nomination on the Band Assembly calendar for ratification of one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2009. Any subsequent

- appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (4) The District II Representative shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall place the nomination on the Band Assembly calendar for ratification of one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2009. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
  - (5) The District III Representative shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall ratify one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2009. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
  - (6) If the Chief Executive or Band Assembly does not ratify one individual from any of the nominations sent to them within the time prescribed, a meeting of the elected officials should be held at the earliest opportunity to discuss such nomination and selection of the Commissioner shall be by super-majority vote.
  - (7) If the Chief Executive does not submit a nomination within sixty (60) days after adoption of this Ordinance or within sixty (60) days after a vacancy has occurred, then the Band Assembly shall nominate and ratify two (2) individuals by majority vote. The terms of such ratification is as stated in paragraph (c)(1) of this section.
  - (8) If the Secretary-Treasurer does not submit a nomination within sixty (60) days after adoption of this Ordinance or within sixty (60) days after a vacancy has occurred, then the Band Assembly shall nominate and ratify two (2) individuals by majority vote. The terms of such ratification is as stated in paragraph (c)(2) of this section.
  - (9) If one of the District Representatives fails to submit a nomination within sixty (60) days after adoption of this Ordinance or within sixty (60) days after a vacancy has occurred, the Chief Executive and Secretary-Treasurer shall each nominate one (1) individual from that district. The Speaker of the Assembly shall then place the names on the Band Assembly calendar for ratification to the Commission. The terms of such ratifications are as stated in paragraphs (c)(3) through (c)(5) of this section.
  - (10) No person appointed as a Commissioner shall take office until swearing to the oath of office pursuant to 2 MLBSA § 8.

(c) Qualifications of Commissioners are as follows:

- (1) Commissioners shall be individuals who are of high moral character and integrity, who have a reputation for being honest, fair, objective, and who are recognized as possessing sound judgment.
- (2) It is preferred that Commissioners be individuals with an interest in boxing or mixed martial arts or be individuals that have a background in amateur boxing.
- (3) Commissioners may not have been convicted of a felony within ten (10) years of adoption of this Ordinance.
- (4) No fewer than three (3) Commissioners shall be Band members. There shall be at least one Commissioner from each of the Band's three districts.
- (5) Commissioners may not be employed by the Corporate Commission or a MLBO gaming enterprise.
- (6) Commissioners shall be subject to background investigations.

(d) Commission officers.

- (1) The Commission shall have a Chairperson, Vice-Chairperson and a Secretary.
- (2) The Chairperson of the Commission shall be determined by a majority vote of the elected officials and selected from one of the current Commissioners or, if there is a vacancy, the individual who is appointed to fill such vacancy.
- (3) The Vice-Chairperson shall be selected by the Commission by majority vote.
- (4) The Secretary shall be selected by the Commission by majority vote.

(e) Board Duties.

- (1) The Chairperson shall preside over meetings of the Commission and the Vice-Chairperson shall preside over meetings of the Commission in the absence of the Chairperson. The Secretary shall record in writing the minutes of all Board meetings and all official actions taken by the Commission. A copy of the minutes shall be provided to the Band Assembly and Chief Executive.
- (2) Commissioners shall serve part-time, however, the Commission shall meet a minimum of once per month.

(f) Vacancies.

- (1) The Chairperson shall notify the Band Assembly and Chief Executive of any vacancy on the Commission at least thirty (30) days prior to the end of term or, in circumstances other than the end of a term, immediately upon the knowledge that a vacancy will occur.
- (2) If there is a vacancy on the Commission, then the vacancy shall be filled in the same manner as the vacating Commissioner who was originally appointed.

(3) Any Commissioner, including the Chairperson, appointed to fill a vacancy shall serve for the remainder of the vacant term, however, any Commissioner may be re-appointed during this time period pursuant to paragraph (c) of this section.

- (g) No elected official shall serve as a Commissioner during his/her term of office.
- (h) Removal. A Commissioner may be removed by a super-majority vote of four (4) out of five (5) members of the elected officials. The determination of the elected officials is final and unappealable to the Court of Central Jurisdiction.
- (i) Compensation. Commissioners shall be paid Two Hundred and Fifty and No Dollars (\$250.00) per meeting, not to exceed Five Hundred and No Dollars (\$500.00) in one month. Mileage and other travel expenses will be compensated on the same terms and conditions as applicable to Senior Executive Staff appointees as provided by Band law. Commissioner stipend is restricted to his/her attendance at official meetings of the Commission.
- (j) Training.
  - (1) Commissioners shall attend one or more training seminars per year during their terms of membership. These seminars shall be sanctioned by the Association of Boxing Commissioners (“ABC”) or other professional boxing or martial arts organization.
  - (2) Commissioners attending mandatory training seminars, who are also employees of the Band government, shall be compensated at their documented rate of pay for each hour they are in attendance at such training plus mileage and other travel expenses as stated in paragraph (j) in this section. Commissioners, who are also employees of the Band government, shall not be required to use his/her accrued annual leave, but will be paid as if they were at work.

#### Section 5 – No Right of Action

This Ordinance does not create any right, cause of action or benefit enforceable at law or in equity by any individual, entity or party against the Mille Lacs Band of Ojibwe, its representatives, elected officials, Athletic Department or the Commission.

#### Section 6 – Medical Standards

There shall be two (2) ringside physicians present at each professional boxing or mixed martial arts event. At the earliest opportunity, all such physicians shall be registered with and attend training sessions with the American Association of Professional Ringside Physicians (“AAPRP”). All ringside physicians must be licensed in the State of Minnesota and have professional qualifications suitable to professional boxing or mixed martial arts. Accepted medical background includes, but is not limited to, internal medicine, neurology or general practice. All regulations adopted with the passage of this Ordinance shall be followed.

Ordinance 45-06

Introduced to the Band Assembly on this  
Twenty-Ninth day of August in the year  
Two-thousand six.

Re-Passed by the Band Assembly on this  
Twenty-Second day of September in the year  
Two-thousand six.

Herb Weyaus  
Herb Weyaus, Speaker of the Assembly

APPROVED:

Date: October 2, 2006

Melanie Benjamin  
Melanie Benjamin, Chief Executive

*Signed with the two  
issues changed.*

**OFFICIAL SEAL OF THE BAND**

MILLE LACS BAND OF OJIBWE

DEPARTMENT OF ATHLETIC REGULATION (DAR) RULES AND REGULATIONS

BOXING & MARTIAL ARTS - August 2006

I. GENERAL PROVISIONS

DAR 1.01 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined have the meanings ascribed to them in this chapter.

DAR 1.02 "Department of Athletic Regulation," "Department" or "DAR" means the Mille Lacs Band of Ojibwe Department of Athletic Regulation.

DAR 1.03 "Department Manager" means the Manager of the Mille Lacs Band of Ojibwe Department of Athletic Regulation.

DAR 1.04 "Commission" means the board chosen by the MLBO elected officials to assist in the regulation of unarmed combat contests on the Mille Lacs Band of Ojibwe Reservation.

DAR 1.05 "Contest" means a contest of unarmed combat.

DAR 1.06 "Contestant" means any person who engages in unarmed combat for remuneration.

DAR 1.07 "Exhibition" means an exhibition of unarmed combat.

DAR 1.08 "Program of unarmed combat" means a program of one or more contests or exhibitions.

DAR 1.09 "Promoter" means any person who produces or stages any professional contest or exhibition.

DAR 1.10 "Purse" means the financial guarantee or any other remuneration for which contestants are participating in a contest or exhibition and includes the contestant's share of any payment received for radio broadcasting, television or motion picture rights.

DAR 1.11 "Ring official" means any person who performs an official function during the progress of a contest or exhibition.

DAR 1.12 "Unarmed combat" means boxing, mixed martial arts, or ultimate fighting contests competition in which a blow is usually struck which may reasonably be expected to inflict injury.

EXHIBIT A



DAR 1.13 "Unarmed combatant" defined.

1. Except as otherwise provided in subsection 3, "unarmed combatant" means any person, male or female, who engages in unarmed combat in a contest or exhibition, whether or not the person receives remuneration.
2. The term includes, but is not limited to, a contestant.
3. The term does not include:
  - (a) Except as otherwise provided in DAR 9.01, an amateur boxer; or
  - (b) A person who participates in a contest or exhibition that is exempt from the provisions of this chapter.

DAR 1.14 Duties of Department Manager: To supervise and establish duties and responsibilities of Department's representatives.

1. The duties and responsibilities of every representative of the Department must be established by the Department Manager with the approval of the **Band Assembly**.
2. Every representative is under the general supervision of the Department Manager.

DAR 1.15 Application of provisions of chapter. The provisions of this chapter apply to all contests or exhibitions except as otherwise provided in:

1. A specific Band law; or Ordinance.
2. Official rules that has been adopted by a sponsoring organization for a particular type of unarmed combat (i.e. mixed martial arts) if such official rules have been approved by the Department.

## II. LICENSING

DAR 2.01 Application for license; conditions and agreements; false statements; proof of identity; expiration; renewal; fees.

1. An application for a license for the following must be made in writing on a form supplied by the Department and signed by the applicant under penalty of perjury.
  - (a) Professional boxer;
  - (b) Kickboxer;
  - (c) Any other professional unarmed combatant, including but not limited to, a professional mixed martial arts contestant;
  - (d) Promoter;

- (e) Matchmaker;
- (f) Manager;
- (h) Second, including a trainer;
- (i) Referee;
- (j) Judge;
- (k) Timekeeper;
- (l) Announcer; or
- (m) Physician,

2. Each license issued is subject to the conditions and agreements set forth in the application.

3. Any false statement of a material matter in such an application is a ground:

- (a) For denial of the application, or
- (b) If the license has already been issued, for revocation of the license.

4. Before issuing a license, the DAR or its staff may, when deemed appropriate, require an applicant to provide independent proof of his or her identity such as a photographic identification provided by a governmental authority.

5. The DAR may require an applicant to appear before the Commission to answer questions or provide documents in conjunction with an application for a license.

6. The initial and renewal fee for licenses is as follows:

- (a) Boxer - \$50.
- (b) Kickboxer - \$50.
- (c) Matchmaker - \$100.
- (d) Manager - \$50.
- (e) Second - \$10.
- (f) Announcer - \$50.
- (g) Referee - \$50.
- (h) Judge - \$50.

7. A license is valid for the twelve (12) month period of time from the date of issue.

8. Except as otherwise provided in this subsection, a licensee must pay the full renewal fee for a license, regardless of whether his or her license is limited or conditioned by the DAR. If the DAR later removes the limitation or grants the licensee the same type of license for another period in the same calendar year, the licensee is not required to pay additional renewal fee for a license within that same calendar year.

DAR 2.03 Determination of ability to compete in unarmed combat. Before a license to engage in unarmed combat is issued or renewed by the DAR, the applicant must satisfy the DAR that they have the ability to compete.

DAR 2.04 Determination of physical and mental fitness to engage in unarmed combat; submission to examinations and testing; HIV, Hepatitis B and Hepatitis C testing required.

1. An applicant who has applied for a license to engage in unarmed combat or who has applied for renewal of his or her license must be examined by a physician to establish his or her physical and mental fitness for competition.

2. An applicant must provide at least five (5) days prior to any bout, along with the application for a license or for renewal of a license, an original or copy of the result of the following:

(a) a complete physical examination, performed by the contestant's own physician, no more than one year old, and stating that the contestant is "ok to participate" in professional boxing or mixed martial arts competitions;

(b) a dilated eye exam examination, performed by the contestant's own ophthalmologist or qualified optometrist, no more than one year old, and stating that the examination results are "normal;"

(c) a "normal" electrocardiogram (EKG) interpreted by the contestant's personal physician if the contestant is age 40 or under no more than five years old; after the age of 40, a normal stress test interpreted by the contestant's personal physician no more than one year old;

(d) a "normal" CAT scan or MRI as a baseline test from any time, and a "normal" CAT scan, MRI or neurological exam by a neurologist no more than 5 years old;

(e) a laboratory blood test result, no more than six months old, showing that the applicant is not infected with the human immunodeficiency virus (HIV), Hepatitis B or Hepatitis C and/or any other contagious disease as determined by the DAR; any contestant who tests HIV positive, Hepatitis C antibody positive, or Hepatitis B surface antigen positive may not participate;

(f) All medical discretion regarding a person's fitness to compete or participate in any event is vested in the Chief Ringside Physician of the MLBO Department of Athletic Regulation.

DAR 2.05 Application for license as promoter: Requirements; investigation; payment of costs.

1. A person applying for a license as a promoter may be required to appear before the DAR Commission and be prepared to prove his or her:

(a) Integrity;

(b) Financial stability; and

(c) Knowledge of the responsibilities involved in the promotion of contests or exhibitions.

2. The applicant, or a person he or she has designated, if approved by the Department, must provide all waivers necessary to conduct the DAR's investigation of the applicant's suitability, including, but not limited to, providing consent to investigate the background of the applicant.

3. The Department will require the applicant to pay any costs related to an investigation conducted pursuant to this section, and may, when deemed appropriate by the Department, require a deposit of money by the applicant in advance against those costs.

4. Upon initial review of applicant's filing, and determining applicant to appear suitable, the department may issue a temporary promoters license. Once the applicant successfully stages or produces a professional contest or exhibition within the Department's jurisdiction, the Department may then issue a permanent license for a period not to exceed one year.

DAR 2.06 Manager may act as second without second's license. A manager licensed by the Department may act as a second without having a second's license.

DAR 2.07 Application for license as referee, judge or timekeeper: Requirements; system to grade skills.

1. To qualify for a license as a referee, judge or timekeeper of contests or exhibitions, an applicant must:

(a) Be at least 21 years of age;

(b) Not have been convicted of a felony or other crime involving moral turpitude;

(c) Submit verifications from three persons of their proficiency as a referee, judge or timekeeper, whichever is appropriate; and

- (d) Except as otherwise provided in this section, successfully pass the Department's examination on this chapter and successfully complete an internship as established by the Department.
2. In lieu of the examination and internship, the Department may accept satisfactory evidence of equivalent qualifications possessed by an applicant who:
- (a) Is currently licensed in a state within the United States or in a foreign country; or
  - (b) Formerly held a Department license that lapsed in good standing.
3. A person holding a current Department license or who formerly held a Department license which lapsed in good standing may be licensed by the Department without examination or internship to perform an officiating function other than that for which they were licensed if the Department determines that they are qualified to perform that function.
4. The Department will determine when additional ring officials are needed and when licensing examinations for ring officials will be conducted.
5. The DAR will establish and carry out a system to grade the skills of its ring officials. The Department will notify its licensees of this system upon its establishment. The Department and its staff will consider those grades in its selection of a ring official to participate in a contest or exhibition and in its decision regarding whether to renew the license of such an official.

DAR 2.08 Application for license as Ringside Physician: Requirements; renewal.

1. Ringside physicians must be licensed annually by the MLBO Department of Athletic Regulation.
2. The renewal of a license as a ringside physician is not automatic. The Department will consider the applicant's past performance and abilities in evaluating his or her application for renewal.
3. Ringside physicians must be licensed to practice medicine in the State of Minnesota or perform their duties under the supervision of a physician licensed to practice medicine in the State of Minnesota;
4. Ringside physicians must maintain their American Association of Professional Ringside Physicians ("AAPRP") certification to administer and/or supervise cardiopulmonary resuscitation or perform their duties under the supervision of an AAPRP certified physician.
5. Ringside physicians must submit Curriculum Vitae, a copy of Medical License and proof of Insurance with application.

DAR 2.09 Applicants, licensees and officials must submit material to the Department as directed. Any ring official, any person licensed by the Department and any applicant for a

license must submit to the Department any forms, records and statements at the times and manner as directed by the Department.

LICENSE (Licenses required elsewhere, including Federal ID for boxers).

DAR 2.10 Professional boxing: Issuance of identification card; disciplinary action for falsification or misuse of identification card.

1. The Department may issue a Federal Identification Card for the purpose of registration pursuant to the Professional Boxing Safety Act of 1996 (15 U.S.C. §§ 6301 et seq.) to each boxer who so applies. The boxer shall provide information that is requested by the Department on the designated forms.
2. An identification card may not be substituted for the license to engage in boxing held by the boxer.
3. A boxer shall present his or her identification card to the Department's representative at weigh-in for a contest or exhibition and at any other time ordered by the Department or its representatives.
4. A person licensed by the Department may have his or her license suspended, revoked, and/or be issued a fine by the Department if the person knowingly:
  - (a) Provides false information, falsifies or attempts to falsify information provided to the Department, or aids in such acts;
  - (b) Uses or attempts to use an identification card in an unlawful manner or in a manner that is not in the best interests of unarmed combat, or aids in such use; or
  - (c) Otherwise violates the provisions of this section.

### III. MISCONDUCT, LICENSE DENIALS, REVOCATIONS AND SUSPENSIONS

DAR 3.01 Grounds for denial, suspension (Mille Lacs Band license and other license) or revocation of license (Mille Lacs Band license only). The Department may deny an application or revoke a license if it finds that the applicant or licensee or any partner, officer, director, stockholder or employee of the applicant or licensee has:

1. Performed any act that would, if performed by a licensee, subject the licensee to discipline pursuant to these regulations.
2. Knowingly dealt or consorted with any person who:
  - (a) Has been convicted of a felony;
  - (b) Engages in illegal bookmaking;
  - (c) Engages in any illegal gambling activity;
  - (d) Is a reputed underworld character;

- (e) Is under suspension from any unarmed combat regulatory commission, department or body.
3. Is engaged in any activity or practice that is detrimental to the best interests of unarmed combat.
  4. Has violated any provision of these regulations.
  5. Has failed or refused to comply with a valid order of a representative of the Department.
  6. Has conducted him or herself at any time or place in a manner which is deemed by the Department to reflect discredit to unarmed combat, including, but not limited to, associating with any person or entity if such an association brings disrepute to unarmed combat.
  7. Has been arrested or convicted on a charge involving moral turpitude.

DAR 3.02. Procedures for Denial of License Application. (Mille Lacs Band license and/or other license, including Federal ID for professional boxers)

The Department shall notify an applicant for a license, in writing, if the Department denies his/her license application. The notification shall inform the applicant of the grounds for the denial citing specific provisions of these Rules. It shall also advise the applicant that he/she may file an appeal within ten (10) days of receipt of the Department's denial. If the applicant files an appeal, an appeal hearing shall be held by the DAR Commission, or a Hearings Examiner designated by the Commission, within fifteen (15) days of receipt of the request for appeal. The DAR Commission or Hearings Examiner shall issue a written decision within fifteen (15) days of the hearing, unless within its sole discretion, it finds good cause to extend the time. The written decision shall either uphold the Department's denial or reverse it with directions for the Department to issue the license; these shall be the sole and exclusive remedies. The DAR Commission or Hearings Examiner's written decision shall be final.

DAR 3.03. Procedures for License Suspensions. (Mille Lacs Band license and/or other license, including Federal ID for professional boxers)

The Department shall notify a licensee, in writing, if the Department suspends his/her license. The notification shall contain the grounds for the suspension, citing specific rules and regulations, and the time period of the suspension. The notification shall inform the licensee that he/she may file an appeal within ten (10) days of receipt of the Department's suspension. The written request for appeal shall be sent to MLBO Department of Athletic Regulation, 43408 Oodena Drive, Onamia, MN 56359. If the licensee files an appeal with the Department, a hearing shall be held by the DAR Commission, or Hearings Examiner designated by the Commission, within fifteen (15) days of receipt of the request for appeal. The Commission or Hearings Officer shall issue a written decision within fifteen (15) days of the hearing, unless the Commission finds good cause exists to extend the time. The written decision shall either uphold the Department's suspension, correct the Department's suspension by directing the Department to alter the time period of the suspension, or reverse it with directions for the

Department to lift the suspension; these shall be the sole and exclusive remedies. The Commission or Hearings Examiner's written decision shall be final.

DAR 3.04. Procedures for License Revocations. (Mille Lacs Band license only)

The Department shall notify a licensee, in writing, if the Department finds grounds to revoke his/her license. The notification shall inform the licensee of the grounds for revocation citing specific provisions of these Rules. It shall inform the licensee that his/her license is being suspended pending revocation and if he/she does not file an appeal within ten (10) days of receipt of the notification, the suspension shall become a revocation. The written request for appeal shall be sent to the MLBO Department of Athletic Regulation, 3408 Oodena Drive, Onamia, MN 56359. If the licensee files an appeal, an appeal hearing shall be held by the DAR Commission, or Hearings Examiner, within fifteen (15) days of receipt of the request for appeal. The Commission or Hearings Examiner shall issue a written decision within fifteen (15) days of the hearing, unless the Commission or Hearings Examiner finds good cause to extend this time. The written decision shall either uphold the Department's revocation and thereby the suspension shall become a revocation or reverse it with directions for the Department to lift the suspension/revocation; these shall be the sole and exclusive remedies. The Commission or Hearings Examiner's written decision shall be final.

DAR 3.05. Hearings on Any Appeal Under DAR 3.02, 3.03 or 3.04.

An appeal hearing shall be informal in nature but conducted within the discretion of the DAR Commission or designated Hearings Examiner including the following:

1. All appeal hearings shall be recorded and recording shall be kept with the official hearing file.
2. If applicant wishes to make a telephonic appearance, he/she shall send a written request to the Commission and the Commission will determine whether to grant the request.
3. If either the applicant or the Department wishes to present exhibits or witnesses they must provide witness names and copies of exhibits to the other party no less than three (3) days prior to the hearing date. The Commission or Hearings Examiner shall receive the original exhibits no less than two (2) days prior to the date set for the hearing.

DAR 3.06 Effect of suspension or revocation of certain licenses (Mille Lacs Band License and/or additional licenses including Federal ID for professional boxers).

1. Every promoter and matchmaker shall take notice of the bulletins of suspension sent out by the Department or the Association of Boxing Commissions ("ABC") and shall not permit any person under suspension to take any part as a participant or in arranging or conducting contests or exhibitions during the period of suspension.
2. A person whose license has been suspended or revoked by the Department shall refrain from participating in or matchmaking or holding contests or exhibitions during the period of suspension or after the revocation.
3. A person whose license has been suspended or revoked is barred from:



(a) The dressing rooms at the premises where any program of unarmed combat is being held;

(b) Communicating in the arena or near the dressing rooms with any of the principals in the contests or exhibitions, their managers, their seconds or the referee, whether directly or by a messenger, during any program of unarmed combat.

A person who violates a provision of this subsection may be ejected from the arena or building where the program is being held. Thereafter, he is barred entirely from all premises used for contests or exhibitions while the programs are being held.

4. If a license issued by the Department has been suspended because the holder used dishonest methods to affect the outcome of any contest or exhibition or because of any conduct reflecting serious discredit upon unarmed combat, the Department will not reinstate the license for at least one year in the case of a first offense. In the case of a second offense, the holder's license will be revoked.

5. A manager who is under suspension or revoked is considered to have forfeited all rights in the Mille Lacs Band jurisdiction under the terms of any contract with an unarmed combatant licensed by the Department. Any attempt by a suspended/revoked manager to exercise those contract rights will result in a permanent suspension of his or her license. The license of any unarmed combatant, matchmaker or promoter who continues to engage in any contractual relations with a manager whose license has been revoked by the Department may be revoked.

6. An unarmed combatant whose manager has been suspended may continue competing independently during the term of that suspension, signing his or her own contracts for contests or exhibitions. Payment of the earnings of an unarmed combatant purse must be paid in full to the unarmed combatant.

7. Revocation of a manager's license automatically cancels all his or her contract rights in the Mille Lacs Band jurisdiction under any contracts with unarmed combatants made under the authority of the Department. If such a revocation occurs, an unarmed combatant may operate independently and enter into contracts for his or her own contests or exhibitions, or he or she may enter into contracts with other managers licensed by the Department.

8. Any applicant who has been denied a license by the Department may not file a similar application until 1 year after denial by the Department. Any application for a license filed within the one (1) year period may be denied without a hearing.

9. Anyone who has had their license revoked may not petition for reinstatement or apply for a new license until one (1) year after the revocation. Any petition for reinstatement or application for a license filed within the one (1) year period may be denied without hearing.

#### IV. CONTRACTS AND FINANCIAL ARRANGEMENTS

DAR 4.01 Contract between manager and unarmed combatant: General requirements; arbitration of disputes; contracts of nonresidents; authority of managers; assignment.

1. The Department may refuse to honor a contract between a manager and an unarmed combatant unless it is filed with the Department at least 72 hours before a scheduled contest or exhibition and it complies with the requirements of this section. The Department will not honor a contract between a manager and an unarmed combatant if the term of the contract is for a period of more than 4 years.
2. A manager may not contract to receive the services of an unarmed combatant under their management for a contest or exhibition that is scheduled to take place after the expiration of the contract.
3. Contracts between unarmed combatants and managers must be executed on paper and notarized.
4. A contract between an unarmed combatant and a manager may provide for voluntary binding arbitration of disputes by the Department. The arbitration must be conducted by a representative of the Department.
5. The Department may approve a contract entered into in another jurisdiction if:
  - (a) The contract is on file with and is approved by the body regulating unarmed combat in the other jurisdiction; and
  - (b) The terms of the contract comply with the requirements of this section. If the terms of the contract exceed the limitations contained in this section, the Department may honor the contract to the extent of those limitations.
6. A manager may not negotiate or sign for contests or exhibitions for an unarmed combatant who is not under contract with him or her. An unarmed combatant who does not have a contract with a licensed manager must sign for his or her own contest or exhibition and sign the receipt for his or her own purse. A manager or managers may not participate separately or collectively in more than 33 1/3 percent of the earnings of the unarmed combatant in the ring.
7. An interest, other than a monetary interest, which an unarmed combatant or a manager has in a contract may not be assigned unless:
  - (a) A written assignment, signed by the unarmed combatant and the manager, is submitted to the Department; and
  - (b) The Department approves the assignment.

DAR 4.02 Promoter and certain others prohibited from acting as manager of unarmed combatant and from holding certain financial interests. An unarmed combatant may not

have a promoter or any of its members, stockholders, officials, matchmakers or assistant matchmakers:

1. Act directly or indirectly as their manager in any jurisdiction within the past six (6) months; or
2. Hold any financial interest in their management or their earnings from contests or exhibitions.

DAR 4.03 Bout Agreements Between Male and Female Unarmed Combatants. The Department strictly prohibits any bout agreements between male and female unarmed combatants.

DAR 4.04 Bout agreements between promoter and unarmed combatant: General requirements.

1. A bout agreement that provides that an unarmed combatant must fight exclusively for one promoter or at the option of the promoter is prohibited.
2. A bout agreement that provides that an unarmed combatant is to pay for the services of their opponent is prohibited.

DAR 4.05 Provisions for filing bout agreements; failure to file; contracts for rights to broadcast, televise or take motion pictures.

1. A bout agreement between a promoter and an unarmed combatant for the main event of a program of unarmed combat must be placed on file with the Department at least 3 working days before the program unless the Department gives special approval for filing the bout agreement closer to the time of weighing in.
2. Except as otherwise provided in subsection 1, bout agreements for all unarmed combatants who will be contending in a contest or exhibition must be filed before the scheduled time for weighing in.
3. A promoter or matchmaker who fails to file a bout agreement for an unarmed combatant whose name is released to the news media may have his or her license suspended, revoked, and/or be subject to a fine.
4. Any contract by the promoter for the sale, lease or other use of rights to broadcast, televise or take motion pictures of a contest or exhibition, including, but not limited to, a contract for the rights to make a closed-circuit telecast of a contest or exhibition, must be placed on file with the Department at least ten (10) working days after the contest or exhibition.

DAR 4.06 Limitations on promoter creating debt on behalf of or advancing money to unarmed combatant.

1. A promoter licensed by the Department shall not directly or indirectly make any loan or advance to an unarmed combatant except as otherwise provided in subsection 3 of this Section.

2. A promoter shall not, directly or indirectly, create any indebtedness that becomes the obligation of an unarmed combatant unless the promoter has the express written permission of the Department for that action.

3. A promoter may make an advance of money to an unarmed combatant in preparation for a contest or exhibition if:

(a) The amount of the advance does not exceed 10 percent (10%) of the share of the purse to which the unarmed combatant is entitled for the contest or exhibition, or \$5,000, whichever is greater; and

(b) Before making the advance, the promoter has the express written permission of the Department to make the advance.

DAR 4.07 Failure of unarmed combatant to appear for contest or exhibition; disciplinary action; effect on bout agreement. An unarmed combatant who fails to appear in a contest or exhibition in which he or she has signed a bout agreement to appear, without a written excuse determined to be valid by the Department or a certificate from a physician accepted by the Department in advance in case of physical disability, may have his or her license suspended, revoked, and/or be issued a fine. An unarmed combatant who files a certificate from a physician accepted by the Department stating that he or she is unable to fulfill a bout agreement because of physical disability shall, on being restored to the eligible list, fulfill his or her bout agreement with the same opponent or a suitable substitute specified in the bout agreement within a reasonable time, as determined by the Department, unless the unarmed combatant is released from the bout agreement by mutual agreement.

DAR 4.08 Payment of unarmed combatant: Permissible withholding and deduction; effect of arbitration or litigation; assignment.

1. An unarmed combatant must be paid in full according to his or her bout agreement and no part of their remuneration may be withheld except by order of the Department, nor may any part of their remuneration be returned through arrangement with their manager to any matchmaker or promoter, except as otherwise provided in this section.

2. A promoter may withhold from the purse of an unarmed combatant any money:

(a) Advanced to the unarmed combatant as approved by the Department, or

(b) Authorized to be withheld pursuant to subsection 4 of DAR 4.09, below.

3. If arbitration of a contract entered into by a manager and an unarmed combatant is pending before the Department or if the contract is in litigation in a court of competent jurisdiction, the Department may:

(a) Withhold the amount in dispute until resolution of the dispute; or

(b) Deposit the disputed amount with the clerk of the court in which the litigation is pending.

DAR 4.09 Payment of purse: Time and manner; permissible withholding.

1. All payment of purses must be made:

(a) Immediately after the contest or exhibition; or

(b) If the unarmed combatant is to receive a percentage of the net receipts, immediately after that percentage is determined by a person designated by the Department, unless otherwise ordered by the Department.

(c) Promoter must provide to the Department proof of payment to combatant, and detail deductions from such payment.

2. Immediately after the contest or exhibition, the person designated by the Department will witness payments to the entitled persons and will obtain their signatures on a list in which they acknowledge the payment.

3. The promoter may withhold an amount of not more than 10 percent (10%) of the purse for payment of expenses incurred by the unarmed combatant. A reconciliation of those expenses and payment of the undistributed portion of the purse must be made to the Department within five (5) working days after the contest or exhibition. The reconciliation must bear written approval of the unarmed combatant before it is submitted.

DAR 4.10 Withholding payment of purse pending disciplinary action against unarmed combatant; duties of promoter.

1. At any time before the award of a purse to an unarmed combatant, the Department may specify any amount that must be retained from the purse of the unarmed combatant and transferred from the promoter to the Department. The money transferred to the Department will not be given to the unarmed combatant until the Department determines that no penalty will be prescribed for any action or condition of the unarmed combatant. Any amount so specified is not a limitation upon the amount of a penalty that may be prescribed.

2. If the Department orders any amount of the purse of the unarmed combatant to be transferred from the promoter to the Department pursuant to subsection 1, the promoter shall transfer the money to the Department by use of a cashier's check made payable to the Department, unless the Department approves another method for the transfer of the money.

3. The Department will designate a representative to be present during payments to any combatant at its discretion.

## V. ARRANGING AND PROMOTING PROGRAMS OF UNARMED COMBAT

DAR 5.01 Arrangement of contest or exhibition; use of licensed matchmaker by promoter. A contest or exhibition may not be arranged on behalf of any promoter except by a licensed matchmaker or the promoter himself or herself.

DAR 5.02 Minimum number of rounds required for program. A promoter shall not schedule fewer than 25 rounds of unarmed combat for any one program of unarmed combat.

DAR 5.03 Certain persons retained by promoter must have licenses. A promoter shall not retain a person for any of the following positions unless they are licensed by the Department:

1. Unarmed combatant;
2. Matchmaker; or
3. Announcer.

DAR 5.04 Selection and approval of ring officials and announcer.

1. Department will select and approve all ring officials of contests or exhibitions including the referees, judges and timekeeper.
2. The promoter may select the announcer for a contest or exhibition, subject to the Department's approval.

DAR 5.05 Referees: Selection; fee; protest of assignment; physical examination.

1. The Department will select the referees for all contests including World Title bouts.
2. The Department will set the fee that the referees are entitled to receive for a contest or exhibition.
3. Each referee licensed by the Department must annually undergo a complete physical examination, a vision examination and an electrocardiogram (EKG), and, if over the age of 50, a stress test. The licensee must produce all records of the examination upon renewal or at the request of the Department.
4. The Department of Athletic Regulation or the Chief Ringside Physician may require additional medical information in their sole discretion.

DAR 5.06 Judges: Selection; protest of assignment; fee; stationing; vision examination.

1. The Department will select the judges for all contests.
2. The Department will set the fee that the judges are entitled to receive for a contest or exhibition.

3. The judges must be stationed ringside at places designated by the Department's representative.

4. Each judge licensed by the Department may be required to submit to or provide proof of a normal vision examination. If the vision examination indicates that a visual correction is required (i.e. glasses, contact lenses, etc.) judges must have and use such corrective devices at all times during the performance of their duties for the Department.

DAR 5.07 The promoter must pay the fees set by the Department directly to the Department for any person the Department directs to officiate in a contest or exhibition. The Department, and not the promoter, shall pay the ring official his or her fee upon completion of his or her duties.

DAR 5.08 Cancellation or postponement of program: Limitations; new bout agreement; approval of new date; advance notice to public.

1. A promoter may not cancel or postpone a program of unarmed combat unless the cancellation or postponement is approved by the Department or its representative.

2. If a postponement becomes necessary through no fault of the promoter, the Department may order that the parties enter into a new bout agreement.

3. A small advance sale is not a legitimate reason for a cancellation or a postponement.

4. A cancellation or postponement must not be made by the promoter so late that the public cannot be notified in advance through the news media.

DAR 5.09 Promoter to provide accident, medical, dental and death insurance.

1. A promoter must provide accident, medical, dental and death insurance covering all participants of a program of unarmed combat conducted on the Mille Lacs Band Reservation. The minimum coverage per participant must include:

(a) 100,000 accidental death and dismemberment benefit;

(b) \$10,000 medical benefit; and

(c) \$1,600 dental benefit (\$200 per tooth).

2. A promoter must provide certified written proof of insurance coverage and a signed associated claim form to the Department 24 hours prior to the start of the program of unarmed combat.

DAR 5.10 Main event: Promoter to provide notice of change or substitution; approval of substitution.

1. The promoter of a program of unarmed combat shall, if possible:

(a) Notify the Department and, after approval from the Department, notify the news media of any change or substitution involving a contest or exhibition that was announced or advertised as the main event of the program; and

(b) Provide such notice at least 24 hours before the first contest or exhibition of the program.

(c) Conspicuously post the change or substitution at the box office of the premises where the program is to be held and cause the change or substitution to be announced from the ring before the first contest or exhibition of the program.

(d) The substitution may not be made unless approved by the Department.

DAR 5.11 Unarmed combatant not used in program must be used in next program or reimbursed. If a promoter enters into a bout agreement with an unarmed combatant for a contest or exhibition in a program of unarmed combat but does not use him or her in that program, he or she must be used in the next program staged by the promoter or be reimbursed pursuant to the bout agreement.

DAR 5.12 Limitations on types of beverage containers, ashtrays and plates used at programs.

1. All drinks at a program of unarmed combat must be dispensed in paper or plastic cups.

2. Ashtrays and plates provided for patrons at a program of unarmed combat must be made from lightweight, nonflammable and nontoxic materials.

## **VI. FACILITIES, EQUIPMENT AND SUPPLIES**

DAR 6.01 Sanitation.

Physicians and representatives of the Mille Lacs Band of Ojibwe's Public Safety Department shall make a particular examination of the facility, equipment and supplies before or during each program of unarmed combat to discover any violation of sanitation and/or biohazard regulations, and any such violation must be reported to the Department immediately.

DAR 6.02 Provision of ambulance and advanced emergency medical technician; notice to hospital and emergency room.

1. Except as otherwise provided in this subsection, a program of unarmed combat must not be held unless:

(a) An ambulance and a person certified by the Mille Lacs Band Public Safety Department as an advanced emergency medical technician (EMT) or paramedic are present at the site of the program.



(b) A pre-determined area located as close as practical to the contest location has been designated as a medical helicopter landing/evacuation zone.

2. An ambulance must be available immediately upon request if the initially stationed ambulance leaves the site of the program.

3. A physician designated by the Department must give notice of the time, date and site of the program to the nearest hospital and the persons in charge of its emergency room.

4. A person certified by the Mille Lacs Band of Ojibwe as an advanced emergency medical technician or paramedic who is required to be present at the site of a program of unarmed combat pursuant to subsection 1:

(a) Must be designated to render service only to the unarmed combatants in the program.

(b) Shall position themselves and their equipment in a location at or near the ring that they and the ringside physician deem appropriate.

DAR 6.03 Provision of emergency equipment.

1. The ambulance crew or physician of a program of unarmed combat shall arrange to have emergency equipment on the premises where the program is to be held. The emergency equipment must include, but is not limited to:

(a) Blankets;

(b) A stretcher;

(c) Ammonia Inhalants;

(d) Bandages;

(e) Surgical tape;

(f) Splints;

(g) A pair of scissors;

(h) Cervical spine immobilization equipment;

(i) An airway; and

j) Appropriate body substance isolation.

2. The ambulance crew or physician shall also provide at ringside during each contest or exhibition two small oxygen tanks, properly charged, with suitable masks.

DAR 6.04 Dressing rooms: Persons authorized to enter.

1. On the day of a contest or exhibition, only the following people are allowed in the dressing room of an unarmed combatant:

- (a) The manager of the unarmed combatant;
- (b) The seconds of the unarmed combatant;
- (c) The promoter or his representative;
- (d) Medical, Press, Security, and
- (d) Any representative of the Department.

DAR 6.05 The gloves used in a contest or exhibition must meet the following requirements:

1. The gloves must be examined by the representative of the Commission and the referee. If padding in any glove is found to be misplaced or lumpy or if any glove is found to be imperfect, the glove must be changed before the contest or exhibition starts. No breaking, roughing or twisting of gloves is permitted.
2. The gloves for every contest must be new, furnished by the promoter and made to fit the hands of the contestant.
3. The gloves are subject to inspection by the referee or representative of the Department. If a glove is found to be unfit, it must be replaced with a glove that meets requirements of this section.
4. For contests or exhibitions of boxing or kickboxing, each contestant must wear gloves that weigh not less than, 8 ounces and not more than 10 ounces, except that the Department will set the weight of gloves to be used in a championship contest. All gloves must have the distal portion of the thumb attached to the body of the glove so as to minimize the possibility of injury to an opponent's eye.
5. For contests or exhibitions of mixed martial arts, each contestant must wear gloves that weigh not less than 4 ounces and not more than 8 ounces.
6. Both unarmed combatants shall use the same brand and model of gloves for their contest or exhibition.

DAR 6.06 Bandages for hands of unarmed combatant.

1. Bandages on the hand of an unarmed combatant may not exceed one winding of surgeon's adhesive tape, not over 1 1/2 inches wide, placed directly on the hand to protect the part of the hand near the wrist. The tape may cross the back of the hand twice, but may not extend within three-fourths of an inch of the knuckles when the hand is clenched to make a fist.

2. Each unarmed combatant shall use soft surgical bandage not over 2 inches wide, held in place by not more than 6 feet of surgeon's adhesive tape for each hand. Up to one 15 yard roll of bandage may be used to complete the wrappings for each hand. Strips of tape may be used between the fingers to hold down the bandages.

3. Bandages must be adjusted in the dressing room in the presence of a representative of the Department and both unarmed combatants. Either unarmed combatant may waive his privilege of witnessing the bandaging of his or her opponent's hands.

DAR 6.07 Equipment of chief second.

1. The chief second shall equip themselves with:

(a) A clear plastic water bottle;

(b) A bucket containing ice;

(c) A solution of a kind approved by the Department for stopping hemorrhaging;

(d) Adhesive tape;

(e) Gauze;

(f) Scissors; and

(g) One extra mouthpiece.

2. No ammonia or smelling salts may be used in the ring except by an authorized medical representative of the Department.

3. The ringside physician or a Department representative may, at any time, inspect the contents of the chief second's first-aid kit.

DAR 6.08 Requirements for boxing or kickboxing ring. A boxing or kickboxing ring must meet the following requirements:

1. The ring must be at least 20 feet square within the ropes. The ring floor must extend at least 18 inches beyond the ropes. The ring floor must be padded with ensolite or similar closed-cell foam. Padding must extend beyond the ring ropes and over the edge of the platform, with a top covering of canvas, duck or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges shall not be used.

2. The ring platform must not be more than 5 feet above the floor of the building, and must be provided with suitable steps for use of unarmed combatants. Ring posts must be of metal, not more than 3 inches in diameter, extending from the

floor of the building to a height of 58 inches above the ring floor. Ring posts must be at least 18 inches away from the ropes.

3. There must be four strands of ropes, not less than 1 inch in diameter and wrapped in soft material. The bottom rope must be 18 inches above the ring floor.

4. There must not be any obstruction or object, including, with limitation, a triangular border, on any part of the ring floor.

DAR 6.09 Requirements for bell or gong. There must be a bell or gong at the ring no higher than the floor level of the ring. The bell or gong must produce a clear tone easily heard by the unarmed combatants.

DAR 6.10 Equipment of timekeeper. Every timekeeper shall have the equipment prescribed by the Department and shall carry out the duties directed by the representative of the Department.

## **VII. GENERAL REQUIREMENTS FOR UNARMED COMBATANTS AND OTHER LICENSEES**

DAR 7.01 Time required to elapse before unarmed combatant competes in successive contest or exhibition. Without the special permission of the Department, an unarmed combatant may not compete on the Mille Lacs Band Reservation unless three (3) days have elapsed for each round of competition scheduled since his or her last contest or exhibition.

DAR 7.02 Boxers: Weight classes; weight differences; weight loss before contest or exhibition.

1. The classes for unarmed combatants who are boxers, and the weights for each class are shown in the following schedule:

- (a) Strawweight.....up to 105 lbs.
- (b) Light-Flyweight.....over 105 to 108 lbs.
- (c) Flyweight.....over 108 to 112 lbs.
- (d) Super-Flyweight.....over 112 to 115 lbs.
- (e) Bantamweight.....over 115 to 118 lbs.
- (f) Super Bantamweight.....over 118 to 122 lbs.
- (g) Featherweight.....over 122 to 126 lbs.
- (h) Super Featherweight.....over 126 to 130 lbs.
- (i) Lightweight.....over 130 to 135 lbs.

- (j) Super Lightweight..... over 135 to 140 lbs.
- (k) Welterweight..... over 140 to 147 lbs.
- (l) Super Welterweight..... over 147 to 154 lbs.
- (m) Middleweight..... over 154 to 160 lbs.
- (n) Super Middleweight..... over 160 to 168 lbs.
- (o) Light-heavyweight..... over 168 to 175 lbs.
- (p) Cruiserweight..... over 175 to 195 lbs.
- (q) Heavyweight..... all over 195 lbs.

2. No boxing contest or exhibition may be scheduled and no unarmed combatants may engage in a boxing contest or exhibition without the approval of the Department or the Department's representative if the difference in weight between unarmed combatants exceeds the allowance shown in the following schedule:

- (a) Up to 118 lbs.....not more than 3 lbs.
- (b) 118 lbs. – 126 lbs.....not more than 5 lbs.
- (c) 126 lbs. – 135 lbs.....not more than 7 lbs.
- (d) 135 lbs. – 147 lbs.....not more than 9 lbs.
- (e) 147 lbs. – 160 lbs.....not more than 11 lbs.
- (f) 160 lbs. – 175 lbs.....not more than 12 lbs.
- (g) 175 lbs. – 195 lbs.....not more than 20 lbs.
- (h) 195 lbs. and over.....no limit.

3. After the time of the weigh-in, weight loss in excess of 2 pounds is not permitted for contestants weighing in at 135 lbs. or less, weight loss in excess of 3 pounds is not permitted for contestants weighing in over 135 lbs. but not more than 168 lbs., and weight loss in excess of 4 pounds is not permitted for contestants weighing in over 168 pounds.

DAR 7.03 Unarmed combatants required to submit to weigh-in and physical examination. An unarmed combatant who has signed a bout agreement is subject to an order by the Department to appear at any time to be:

1. Weighed; or
2. Examined by any physician whom the Department may designate.

DAR 7.04 Procedure for weigh-in.

1. Each unarmed combatant must be weighed by a Department Representative in the presence of the public, his opponent, a representative of the Department and an official representing the promoter, on scales approved by the Department at any place designated by the Department.
2. The unarmed combatant must have all weights stripped from his body before he is weighed in, but must wear shorts.

DAR 7.05 Forfeiture for failure to make weight.

1. An unarmed combatant who fails to make the weight agreed upon in their bout agreement forfeits:
  - (a) Twenty-five percent of their purse if no lesser amount is set by the Department; or
  - (b) A lesser amount set by the Department, unless the weight difference is 1 pound or less.
2. A forfeit must be divided equally between the other unarmed combatant and the Department.
3. Except as otherwise provided in subsection 3 of DAR 7.02, if, during the 2 hours following the time of weighing in, an unarmed combatant is able to make the weight or weighs less than 1 pound outside the agreed limits, no forfeit may be imposed or fine assessed upon him.

DAR 7.06 Physical examination required at weigh-in. A physician designated by the Department shall give each unarmed combatant a thorough physical examination at or near the time of their weighing in before a contest or exhibition. Each contestant must pass the physical examination as "in fight condition."

DAR 7.07 Duties of Department concerning physical examination; fees for services of physician; provision of temporary or emergency treatment to unarmed combatant.

1. The Department shall provide physicians licensed by the Department with a suitable place to examine each unarmed combatant.
2. The physicians are entitled to receive a fee for their services at a contest or exhibition. The fee shall be paid by the promoter through the Department.
3. The physicians shall give any injured unarmed combatant temporary or emergency treatment in the arena or dressing room, and no additional fee may be charged.

DAR 7.08 Determination by physician of fitness of unarmed combatant; report.

1. If the physician who examines an unarmed combatant who has entered into a bout agreement for a contest or exhibition determines that the unarmed combatant is unfit for competition, the unarmed combatant shall not participate in the contest or exhibition and the physician shall immediately report such findings to the promoter and the Department.
2. If the examining physician finds that an unarmed combatant is in good physical condition, the physician shall report such finding to the Department before the commencement of the contest or exhibition.

DAR 7.09 Unarmed combatant must report certain injuries and illnesses; physical examination required; payment of physician

1. When an unarmed combatant is unable to take part in a contest or exhibition for which he or she has entered into a bout agreement because of injury or illness, he or she shall immediately report such information to the Department, and, after examination by a physician, provide information deemed sufficient by the Department as to the nature and severity of such injury or illness.
2. The promoter of the proposed contest must pay the fee for the physician's examination.

DAR 7.10 Suspension of licensee for medical reason.

1. A licensee who is determined by the examining physician to be unfit to compete or officiate shall be suspended until it is shown that he or she is fit for further competition or officiating.
2. An unarmed combatant suspended for medical reasons shall take a medical examination upon the direction of the Department. The examining physician may require any procedures during the medical examination, including an electroencephalogram, other imaging studies or medical consultation if indicated.

DAR 7.11 Female unarmed combatants.

1. A female unarmed combatant must be qualified to perform as an unarmed combatant before she enters a contest or exhibition.
2. A female unarmed combatant shall not engage in a contest or exhibition with a male unarmed combatant.
3. In addition to meeting such requirements of this chapter as are applicable to unarmed combatants generally, a female unarmed combatant shall:
  - (a) Use a mouthpiece specially designed for her mouth;
  - (b) Wear a breast protector as a binder;

(c) Have her hair secured in a manner that does not interfere with the vision or safety of either unarmed combatant;

(d) Not use cosmetics during a competition or exhibition.

4. A female unarmed combatant must, in addition to signing the bout agreement, provide proof of a gynecological exam within six months and a negative pregnancy test within 14 days.

5. The promoters of a contest or exhibition between female unarmed combatants shall provide them with adequate separate dressing rooms.

6. The annual physical examination of a female unarmed combatant must include an examination of the pelvis, the abdomen and the breasts and the notation of any masses or other irregularities.

## VIII. GENERAL REQUIREMENTS FOR CONTESTS AND EXHIBITIONS

### DAR 8.01 Championship Contests

1. Any bout scheduled for 12 rounds will be considered a Championship Contest.
2. Uniform Championship Rules, as approved by the Association of Boxing Commissions, will govern all championship contests.
3. Notwithstanding any other rule or regulation to the contrary, the referee or doctor may stop the fight at any time.

DAR 8.02 Unarmed combatants must report before contest or exhibition. Each unarmed combatant must report to the representative of the Department in charge of dressing rooms before the scheduled time of the first contest or exhibition of a program of unarmed combat.

### DAR 8.03 Costumes and equipment of unarmed combatants.

1. Each unarmed combatant must provide themselves with a costume, which is subject to the approval of the Department or its representative.
2. Each unarmed combatant must appear in proper attire. The unarmed combatants may not wear the same colors in the ring without the approval of the Department.
3. The belt of the trunks must not extend above the waist line.
4. Each unarmed combatant must wear:
  - (a) A mouthpiece; and
  - (b) An abdominal protector which will protect a male unarmed combatant against injury from a foul blow, but not above the naval.



DAR 8.04 Physical appearance of unarmed combatants.

1. Each unarmed combatant must be clean and present a tidy appearance.
2. The excessive use of grease or any other foreign substance may not be used on the face of an unarmed combatant. The referees or the Department's representative shall cause any excessive grease or foreign substance to be removed.
3. The Department's representative shall determine whether head or facial hair presents any hazard to the safety of the unarmed combatant or his opponent or will interfere with the supervision and conduct of the contest or exhibition. Unless corrected, an unarmed combatant whose head or facial hair presents such a hazard or interference will not be allowed to compete.
4. An unarmed combatant is not permitted to wear any jewelry or other piercing accessories during competition.

DAR 8.05 Procedure for use of scorecards.

1. The Department's representative in charge at a contest or exhibition shall, before the start of the contest or exhibition, give scorecards to each judge if the contest or exhibition is being judged.
2. The judges shall score each round of the contest or exhibition on an individual scorecard and sign it. The referee shall pick up the scorecard from each judge and turn in the scorecards at the Department's desk before the start of each round.
3. The official scorer may show the scorecards to accredited representatives of the press after the completion of the contest or exhibition.
4. The official scorer shall deliver the scorecards and official score sheets regarding the contest or exhibition to the Department's representative.
5. Reports of each contest or exhibition will be kept on file in the Department.

DAR 8.06 Method of judging boxing contest or exhibition.

1. Each judge of a boxing contest or exhibition that is being judged shall score the contest or exhibition and determine the winner through the use of the Mille Lacs Band of Ojibwe **Guidelines for the Professional Boxing Judge**.
2. After the end of the contest or exhibition, the announcer shall pick up the scores of the judges.
3. When the representative of the Department has checked the scores, he or she shall inform the announcer of the decision and the announcer shall inform the audience of the decision over the speaker system.

DAR 8.07 Instruction to unarmed combatants by referee. The referee shall, before starting a contest or exhibition, ascertain from each unarmed combatant the name of their chief second, and shall hold the chief second responsible for the conduct of the assistant seconds during the progress of the contest or exhibition. The referee shall call unarmed combatants together before each contest or exhibition for final instructions, at which time each unarmed combatant must be accompanied by their chief second.

DAR 8.08 Limitations on seconds.

1. No unarmed combatant may have more than three seconds except that in a championship contest the Department may authorize four seconds.
2. Only one of the seconds may be inside the ring ropes during a period of rest.
3. A second may not coach loudly or excessively from the corners during a period of unarmed combat.
4. Any excessive or undue spraying or throwing of water on an unarmed combatant by a second during a period of rest is prohibited.
5. A second may not leave the area of the corners during a period of unarmed combat unless instructed by a member of the Department.

DAR 8.09 Duties of ringside physician.

1. At least two (2) ringside physicians designated by the Department shall sit at the immediate ringside at every contest or exhibition. A contest or exhibition may not proceed unless the ringside physicians are in their seats at ringside. The ringside physicians shall not leave until after the decision in the final contest or exhibition. They shall be prepared to assist if any serious emergency arises and shall render temporary or emergency treatments for cuts and minor injuries sustained by the unarmed combatants.
2. A ringside physician may terminate any contest or exhibition at any time if in the opinion of such physician the health or well-being of any participant would be significantly jeopardized by continuation of the contest or exhibition.
3. If an unarmed combatant appears to have been injured during a period of unarmed combat, his or her manager or second shall not attempt to render aid to him or her before the ringside physicians have had an opportunity to examine him or her.

DAR 8.10 When ringside physician may enter ring. Any contrary provisions of these rules notwithstanding, the ringside physician may enter the ring during the progress of a bout at any time to fulfill his or her official duties. A ringside physician desiring to enter the ring for this purpose shall first signal the referee of his or her intention, upon which the referee shall stop the progress of the bout by signaling the timekeeper. At any time during the progress of a bout, the referee may stop the progress of the bout by signaling the timekeeper, and require the ringside physician to enter the ring to examine a participant. Nothing herein shall be deemed to prohibit the ringside physician from entering the ring to examine any contestant during rest periods, with or without invitation.

from the referee, nor shall anything herein be deemed to restrict the ringside physician's authority pursuant to DAR 8.09

DAR 8.11 Warning before start of round. Ten seconds before the beginning of each round the timekeeper shall give warning to the seconds of the unarmed combatants by an audio signal.

DAR 8.12 Duration of round.

1. A round of unarmed combat, other than the final round, includes a period of unarmed combat and a period of rest that follows immediately after the period of unarmed combat. The final round of unarmed combat includes only a period of unarmed combat.

2. A period of unarmed combat must be 3 minutes in duration for male combatants and 2 minutes in duration for female combatants, unless shorter durations are approved by the Department. A period of rest following a period of unarmed combat must be 1 minute in duration, unless a different duration is approved by the Department.

3. A round of unarmed combat, other than the first round, does not begin until the immediately preceding period of rest has ended and the bell sounds signaling commencement of the round. The first round of unarmed combat begins when the bell sounds signaling commencement of the contest or exhibition.

DAR 8.13 Persons allowed in ring.

1. No persons other than the unarmed combatants and the referee may be in the ring during the progress of a period of unarmed combat.

2. The referee may, in his or her discretion, stop a contest or exhibition if an unauthorized person enters the ring during a round.

DAR 8.14 Fair blow in boxing. A fair blow in boxing is one delivered with the padded knuckle part of the glove on the front or side of the head or the front or side of the body above the belt.

DAR 8.15 Acts constituting fouls in boxing. The following acts constitute fouls in boxing:

1. Measuring or ranging an opponent's distance by an opponent using his or her extended arm
2. Hitting below the belt.
3. Hitting an opponent who is down or is getting up after being down.
4. Holding an opponent with one hand and hitting with the other.
5. Holding or deliberately maintaining a clinch.
6. Wrestling or kicking.

7. If the referee has signaled that the opponent has been knocked out, striking an opponent who is helpless as a result of previous blows and so supported by the ropes that they do not fall.
8. Butting with the head or shoulder or using the knee.
9. Hitting with the open glove, the butt of the hand, the wrist or the elbow, and all backhand blows.
10. Purposely going down without being hit.
11. Striking deliberately at that part of the body over the kidneys.
12. Deliberately using the rabbit punch.
13. Jabbing the opponent's eyes with the thumb of the glove.
14. Using abusive language in the ring.
15. Engaging in any unsportsmanlike trick or action that causes injury to an opponent.
16. Hitting on the break.
17. Hitting after the bell has sounded the end of the period of unarmed combat.
18. Hitting an opponent whose head is between and outside of the ropes.
19. Pushing an opponent about the ring or into the ropes.
20. Biting any portion of an opponent's body.

DAR 8.16 Duties of referee; warnings; deduction of points; disqualification.

1. A referee is responsible for enforcing the rules of the contest or exhibition. He or she shall not permit unfair practices that may cause injuries to an unarmed combatant.
1. The referee shall warn the unarmed combatants whenever they are committing fouls.
2. If an unarmed combatant commits a foul, the referee may deduct points from him or her or disqualify him or her.
3. If a point or points are assessed by the referee, the referee will immediately notify the three judges and the official scorer of the fact.

DAR 8.17 Fouls: Deduction of points; effect of low blow.

1. If an unarmed combatant fouls his or her opponent during a contest or exhibition or commits any other infraction, the referee may penalize him or her by deducting points from his or her score, whether or not the foul or infraction was intentional. The referee may determine the number of points to be deducted in each instance and shall base his or her determination on the severity of the foul or infraction and its effect upon the opponent.
2. When the referee determines that it is necessary to deduct a point or points because of a foul or infraction, he or she shall inform offender of the penalty to be assessed.
3. The referee shall, as soon as is practical after the foul, notify the judges and both unarmed combatants of the number of points, if any, to be deducted from the score of the offender.
4. Any point or points to be deducted for any foul or infraction must be deducted in the round in which the foul or infraction occurred, and may not be deducted from the score of any subsequent round.
5. An unarmed combatant may not be declared the winner of a contest or exhibition on the basis of his or her claim that his or her opponent committed a foul by hitting him or her below the belt. If an unarmed combatant falls to the floor of the ring or otherwise indicates that he or she is unwilling to continue because of a claim of a low blow, the contest or exhibition must be declared to be a technical knockout in favor of the unarmed combatant who is willing to continue.
6. The combatant down or unwilling to continue as the result of a low blow is entitled to up to five minutes to recover.

DAR 8.18 Fouls: Disqualification; withholding of purse. An unarmed combatant guilty of a foul in a contest or exhibition may be disqualified by the referee and his or her purse ordered withheld by the Department representative. Disposition of the purse and the penalty to be imposed upon the unarmed combatant will be determined by the Department.

DAR 8.19 Fouls: Intentional

1. If an intentional foul causes an injury, and the injury is severe enough to terminate a bout immediately, the unarmed combatant causing the injury shall lose by DISQUALIFICATION.
2. If an intentional foul causes an injury and the bout is allowed to continue, the referee may deduct points from the unarmed combatant who committed the foul.
3. If an intentional foul causes an injury and the injury results in the bout being stopped in a later round, the injured unarmed combatant will win by TECHNICAL DECISION if he or she is ahead on the score cards or the bout will result in a TECHNICAL DRAW if the injured unarmed combatant is behind or even on the score cards.

4. If an unarmed combatant injures him or herself while attempting to intentionally foul his or her opponent, the referee will not take any action in his or her favor, and this injury will be the same as one produced by a fair blow.

5. If the referee feels that an unarmed combatant has conducted him or herself in an unsportsmanlike manner he or she may stop the bout and disqualify the unarmed combatant.

#### DAR 8.20 Fouls: Accidental.

1. If a contest or exhibition is stopped because of an accidental foul, the referee shall determine whether the unarmed combatant who has been fouled can continue or not. If the unarmed combatant's chance of winning has not been seriously jeopardized as a result of a foul, the referee may order the contest or exhibition continued after a reasonable interval. Before the contest or exhibition begins again, the referee shall inform a Department representative of his determination that the foul was accidental.

2. If the referee determines after an interval of no more than 5 minutes that the contest or exhibition may not continue because of an injury suffered as the result of an accidental foul, the contest or exhibition must be declared a NO DECISION if the foul occurs during the first three rounds of a contest that is scheduled for less than 12 rounds.

3. If an accidental foul renders an unarmed combatant unable to continue the contest or exhibition after the second round in a four round contest, or after the third round in a six round contest, or after the fourth round in a contest of more than six rounds, the outcome must be determined by scoring the completed rounds and the round during which the referee stops the contest or exhibition. The result will be considered a TECHNICAL DECISION.

4. If an injury inflicted by an accidental foul later becomes aggravated by fair blows and the referee orders the contest or exhibition stopped because of the injury, the outcome must be determined by scoring the completed rounds and the round during which the referee stops the contest or exhibition.

DAR 8.21 Determination to stop contest or exhibition: Injury to unarmed combatant. The referee or ringside physician shall determine whether a contest or exhibition should be stopped because of an injury or injuries to one or both unarmed combatants.

DAR 8.22 Determination to stop contest or exhibition: One-sided contest or exhibition; risk of serious injury. The referee may stop a contest or exhibition at any stage if he or she considers it too one-sided or if either unarmed combatant is in such a condition that to continue might subject him or her to serious injury.

DAR 8.23 Determination to stop contest or exhibition: Unarmed combatant not honestly competing. If the referee decides that an unarmed combatant is not honestly competing, he or she may stop the contest or exhibition before its scheduled completion, disqualify the unarmed combatant, and recommend the purse of that unarmed combatant be held pending investigation by the Department.

DAR 8.24 Leaving ring during period of rest prohibited; effect of failure to resume competition. An unarmed combatant shall not leave the ring during any period of rest that follows a period of unarmed combat. If an unarmed combatant fails or refuses to resume competing when the bell sounds signaling the commencement of the next round, the referee shall award a decision of technical knockout to his or her opponent as of the round which has last been finished, unless the circumstances indicate to the referee the need for investigation or punitive action, in which event the referee shall not give a decision and shall recommend that the purse or purses of either or both unarmed combatants be withheld.

DAR 8.25 Gloves to be wiped by referee after fall of unarmed combatant. Before an unarmed combatant may resume competing after having been knocked down or having fallen or slipped to the floor of the ring, the referee shall wipe the gloves of the unarmed combatant with a damp towel or the referee's shirt.

DAR 8.26 Procedure for counting: knockdown; knockout; technical knockout.

1. When an unarmed combatant is knocked down, the referee shall order the opponent to retire to the farthest neutral corner of the ring, by pointing to the corner, and shall immediately begin the count over the unarmed combatant who is down. The referee shall audibly announce the passing of the seconds, accompanying the count with motions of his or her arm, with the downward motion indicating the end of each second.
2. The timekeeper, by effective signaling, shall give the referee the correct one second interval for his or her count. The referee's count is the official count. Once the referee picks up the count from the timekeeper, the timekeeper shall cease counting. No unarmed combatant who is knocked down may be allowed to resume competing until the referee has finished counting to eight. The unarmed combatant may take the count either on the floor or standing.
3. If the opponent fails to stay in the farthest corner, the referee shall cease counting until he or she has returned to the farthest corner and shall then continue the count from the point at which it was interrupted. If the unarmed combatant who is down arises before the count of 10, the referee may step between the unarmed combatants long enough to assure him or herself that the unarmed combatant who has just arisen is in condition to continue. If so assured, the referee shall, without loss of time, order both unarmed combatants to go on with the contest or exhibition. During the intervention by the referee, the striking of a blow by either unarmed combatant may be ruled a foul.
4. When an unarmed combatant is knocked out, the referee shall perform a full 10 second count unless, in the judgment of the referee, the safety of the unarmed combatant would be jeopardized by such a count. If the unarmed combatant who is knocked down is still down when the referee calls the count of 10, the referee shall wave both arms to indicate that he or she has been knocked out.
5. If both unarmed combatants go down at the same time, the count shall be continued as long as one is still down. If both unarmed combatants remain down

until the count of 10, the contest or exhibition must be stopped and the decision is a technical draw.

6. If an unarmed combatant is down and the referee is in the course of counting at the end of:

(a) A period of unarmed combat other than the period of unarmed combat of the final round, the bell indicating the end of the period of unarmed combat must not be sounded, but the bell must be sounded as soon as the downed unarmed combatant regains his or her feet.

(b) The period of unarmed combat of the final round, the bell must be sounded indicating the end of the contest or exhibition.

7. When an unarmed combatant has been knocked down before the normal termination of a period of unarmed combat and the period of unarmed combat terminates before he or she has arisen from the floor of the ring:

(a) If the period of unarmed combat is in a round other than the final round, the referee's count must be continued. If the unarmed combatant who is down fails to arise before the count of 10, he or she is considered to have lost the contest or exhibition by a knockout in the round containing the period of unarmed combat that was just concluded.

(b) If the period of unarmed combat is in the final round, the referee's count must be discontinued upon the sound of the bell terminating the contest or exhibition.

8. If a legal blow struck in the final seconds of a period of unarmed combat other than the period of unarmed combat of the final round causes an unarmed combatant to go down after the bell has sounded, that knockdown must be regarded as having occurred during the period of unarmed combat just ended and the appropriate count must continue into the period of rest following the bell.

9. An unarmed combatant who is knocked down three times in the same round automatically loses the contest or exhibition by technical knockout.

DAR 8.27 Resumption of count in certain circumstances. If a knockdown occurs before the normal termination of a period of unarmed combat and the unarmed combatant who is down stands up before the count of 10 is reached and then falls down immediately without being struck, the referee shall resume the count where it was left off.

DAR 8.28 Adjudication of technical knockout.

1. If a contest or exhibition is terminated because an unarmed combatant is:

(a) Unable to continue;

(b) Not honestly competing;

(c) Injured; or



(d) Disqualified,

The contest or competition may be adjudged a technical knockout to the credit of the winner.

2. A contest or exhibition that is won by other than a full count of 10 or the scoring of the judges must be adjudged a technical knockout to the credit of the winner.

DAR 8.29 Treatment of unarmed combatant after knockout or technical knockout; medical suspension; reinstatement.

1. An unarmed combatant who has been knocked out must be kept in a still position until he or she has recovered. Except for the referee who may remove the mouthpiece, no one may touch him or her until the ringside physician enters the ring, attends to him or her and issues any instructions to his or her handlers.

2. If the referee has rendered a decision of technical knockout against an unarmed combatant, the unarmed combatant must be placed on medical suspension for a period designated by the Department's representative after consultation with the Department's physician, but that period must not be less than fifteen (15) days. The unarmed combatant may not engage in any contest or exhibition during this period without the approval of the Department and the Department's physician.

3. If an unarmed combatant has been knocked out by a blow to the head, he or she must be placed on medical suspension for at least 30 days, unless the Department's physician orders that he or she be placed on medical suspension for a different period. Before being reinstated, he or she must satisfactorily pass an examination as recommended by the ringside physician which may include a computerized topographic scanning device (CAT scan), and MRI/MRA, an electroencephalogram (EEG) and/or a complete neurological evaluation if the Department or its physician finds that such an examination is necessary to determine his or her condition.

4. Whenever it appears that an unarmed combatant may have suffered a head injury, he or she must undergo an examination as directed by the Department or its physician. Results must be reported to the Department and forwarded to its physician prior to the Department lifting any suspension.

DAR 8.30 Procedure when unarmed combatant is knocked from or falls from ring.

1. An unarmed combatant who has been knocked through or has fallen through the ropes and over the edge of the ring platform during a contest or exhibition may not be helped back by anyone. The referee may allow a reasonable time of up to 20 seconds for the unarmed combatant to return to the ring. If the unarmed combatant is on the ring platform outside the ropes, he or she must enter the ring within 10 seconds where he or she may resume the contest or exhibition or take a count.

2. When one unarmed combatant has fallen through the ropes, the other unarmed combatant shall retire to the farthest corner and stay there until ordered to continue the contest or exhibition by the referee.

3. An unarmed combatant who deliberately wrestles or throws an opponent from the ring, or who hits them when they are partly out of the ring and is prevented by the ropes from assuming a position of defense, may be penalized.

DAR 8.31 Determination of whether unarmed combatant is down; effect of hanging onto or being held up by ropes. An unarmed combatant shall be deemed to be down when:

1. Any part of his or her body other than his or her feet are on the floor; or

2. He or she is hanging over the ropes without the ability to protect him or herself and he or she cannot fall to the floor.

3. A referee may count an unarmed combatant out if the unarmed combatant is on the floor or is being held up by the ropes.

DAR 8.32 Announcement of winner. At the termination of each contest or exhibition that was judged, the announcer shall announce the winner and the referee shall raise the hand of the winner.

DAR 8.33 Change of decision after contest or exhibition; factors considered by Department. The Department will not change a decision rendered at the end of any contest or exhibition unless:

1. The Department determines that there was collusion affecting the result of the contest or exhibition;

2. The compilation of the scorecards of the judges discloses an error which shows that the decision was given to the wrong unarmed combatant; or

3. As the result of an error in interpreting a provision of this chapter, the referee has rendered an incorrect decision.

DAR 8.34 Physician's report to Department after contest or exhibition; contents. The physician designated by the Department shall file a report after a contest or exhibition. The report must list each case in which an unarmed combatant:

1. Was injured during the contest or exhibition; or

2. Applied for medical aid after the contest or exhibition.

3. Physicians will conduct post fight examinations.

## **IX. AMATEUR BOXING CONTESTS AND EXHIBITIONS**

DAR 9.01 Adoption of standards for amateur boxing; registration of amateur boxers; age limitations; physical examinations; requirements for judges, promoters and matchmakers; filing notice of contest or exhibition.

1. The Department will recognize an amateur boxing contest or exhibition only if it is registered and sanctioned by United States Amateur Boxing, Inc., or Golden Gloves of America, or other organization acceptable to the Department, as an amateur boxing contest or exhibition.
2. An amateur boxing contest or exhibition shall be governed by the rules adopted for amateur boxing contests or exhibitions by United States Amateur Boxing, Inc. The Department hereby adopts by reference those rules as they exist in the form most recently adopted by United States Amateur Boxing, Inc. A copy of those rules may be purchased for a price of \$15, from United States Amateur Boxing, Inc., One Olympic Plaza, Colorado Springs, Colorado 80909. If those rules do not cover a particular situation in an amateur boxing contest or exhibition, the provisions of this chapter concerning unarmed combat and professional boxing contests or exhibitions shall apply.
3. An amateur boxer may not take part in an amateur boxing contest or exhibition unless he or she is registered with United States Amateur Boxing, Inc., or some other amateur organization recognized by the Department.
4. An amateur boxer shall be required to take an annual physical examination. Such a physical examination shall include an evaluation of the amateur boxer's physical and mental fitness to engage in a boxing contest or exhibition. In addition, the amateur boxer shall be examined before each contest or exhibition by a physician who is certified by the Department and licensed in the State of Connecticut or supervised by such a licensed physician.
4. A notice of a program of amateur boxing contests or exhibitions must be filed in the office of the Department at least 5 days before the date of the program.

## **X. MIXED MARTIAL ARTS**

DAR 10.01. "Mixed martial arts." Unarmed combat which permits the use of a mix of techniques from different disciplines, including but not limited to: grappling, kicking and striking from the standing or prone positions, and other techniques subject to the limitations set forth in this chapter.

1. Intentional Foul or Injury.
  - (a). If an intentional foul causes an injury and it results in the bout being stopped in a later round, the injured contestant will win by technical decision if he or she is ahead on the scoreboards, or the bout will be declared a no contest if the injured contestant is behind or even on the scoreboards.

(b) If a contestant injures him or herself while attempting to foul his or her opponent, the referee will not take any action in his or her favor, and the injury will be deemed the same as one produced by a fair blow.

2. All contests or exhibitions of mixed martial arts must be conducted under the supervision and authority of the Department. Except to the extent a contest or exhibition of mixed martial arts is subject to the applicable provisions this regulation, all applicable laws and regulations regarding unarmed combat apply to a contest or exhibition of mixed martial arts.

3. Except with the approval of the commission, non-championship contests or exhibitions of mixed martial arts shall not exceed 3 rounds, championship contests of mixed martial arts shall be for 5 rounds, and a round must be 5 minutes in duration, with a 1 minute period of rest between rest periods.

#### DAR 10.02. Weight Classes for Mixed Martial Arts

1. Unless an exception is approved by the Commission or its executive director, the classes for unarmed combatants who are mixed martial artists and the weights for each class are shown in the following schedule:

- (a) Flyweight.....up to 125 lbs.
- (b) Bantamweight.....over 125 to 135 lbs.
- (c) Featherweight.....over 135 to 145 lbs.
- (d) Lightweight.....over 145 to 155 lbs.
- (e) Welterweight.....over 155 to 170 lbs.
- (f) Middleweight.....over 170 to 185 lbs.
- (g) Light Heavyweight.....over 185 to 205 lbs.
- (h) Heavyweight.....over 205 to 265 lbs.
- (i) Super Heavyweight.....over 265 lbs.

2. After the time of weigh-in, weight loss in excess of 2 pounds is not permitted for contestants weighing in at 135 lbs; weight loss in excess of 3 pounds is not permitted for contestants weighing in over 135 lbs. but no more than 170 lbs; and weight loss in excess of 4 pounds is not permitted for contestants weighing in over 170 lbs.

#### DAR 10.03. Mixed Martial Arts Attire

1. Mixed martial arts contestants must wear shorts or other clothes approved by the Department or its representative.

2. Mixed martial arts contestants may not wear shoes or any foot padding during a match.

#### DAR 10.04. Fouls in Mixed Martial Arts

1. The following acts constitute fouls in mixed martial arts contests and exhibitions:

- (a) Butting with the head;
- (b) Eye gouging of any kind;
- (c) Biting or spitting at an opponent;
- (d) Hair pulling;
- (e) Fish hooking;
- (f) Groin attacks of any kind;
- (g) Intentionally putting finger in any opponent's orifice (includes laceration);
- (h) Downward point of elbow strikes;
- (i) Small joint manipulation;
- (j) Strikes to spine or back of the head;
- (k) Heel kicks to the kidney;
- (l) Throat strikes of any kind (includes grabbing trachea);
- (m) Clawing, pinching, twisting the flesh, or grabbing the clavicle;
- (n) Kicking the head of a grounded opponent;
- (o) Kneeing the head of a grounded opponent;
- (p) Stomping of a grounded opponent;
- (q) Holding the ropes or the fence;
- (r) Using abusive language in the ring or fenced area;
- (s) Any unsportsmanlike conduct that causes an injury to an opponent;
- (t) Attacking an opponent on or during the break;
- (u) Attacking an opponent under the referee's care;

- (v) Timidity (avoiding eye contact, intentional and/or consistent dropping of mouthpiece, or faking an injury);
- (w) Corner interference;
- (x) Throwing an opponent out of the ring or fenced area;
- (y) Flagrant disregard of the referee's instructions;
- (z) Spiking an opponent to the canvas on his head or neck;
- (aa) Throwing in the towel during competition; and
- (bb) Holding on opponent's shorts or gloves.

#### DAR 10.05 Accidental Foul

1. If a mixed martial arts contest or exhibition is stopped because of an accidental foul, the referee shall determine whether the unarmed combatant who has been fouled can continue or not. Immediately after separating the contestants, the referee shall inform the judges and the Department's representative of his or her determination that the foul was accidental. If the unarmed combatant's chance of winning has not been seriously jeopardized as a result of a foul, and the foul did not involve a concussive impact to the unarmed combatant's head, the referee may order the contest or exhibition continued after a recuperative interval of up to 5 minutes.

2. If the referee determines that the mixed martial arts contest or exhibition may not continue because of an injury suffered as the result of an accidental foul, the contest or exhibition must be declared a no contest if the foul occurs during:

- (a) The first 2 rounds of a contest or exhibition that is scheduled for less than 5 rounds; or
- (b) The first 3 rounds of a contest or exhibition that is scheduled for 5 rounds.

3. If an accidental foul renders an unarmed combatant unable to continue the mixed martial arts contest or exhibition after:

- (a) The completed second round of a contest or exhibition that is scheduled for less than 5 rounds; or
- (b) The completed third round of a contest or exhibition that is scheduled for 5 rounds,

the outcome must be determined by scoring the completed rounds and the round during which the referee stops the contest or exhibition.

4. If an injury inflicted by an accidental foul later becomes aggravated by fair blows and the referee orders the mixed martial arts contest or exhibition stopped

because of the injury, the outcome must be determined by scoring the completed rounds and the round during which the referee stops the contest or exhibition.

5. If an injury falls under subsections 3 or 4 of this section, and the referee penalizes either contestant, the point(s) shall be deducted from the final score.

#### DAR 10.06. Intentional Foul

1. If the referee determines that the mixed martial arts contest or exhibition may not continue because of an injury suffered as the result of an intentional foul, the contestant causing the injury loses by disqualification.

2. If the referee determines that the mixed martial arts contest or exhibition may continue because of an injury suffered as the result of an intentional foul, the referee will notify the authorities and automatically deduct 2 points from the contestant who committed the foul.

3. If injury caused by an intentional foul results in the mixed martial arts contest or exhibition being stopped in a later round,

(a) the injured contestant will win by technical decision, if he or she is ahead on the score cards; and

(b) the bout will result in a technical draw, if the injured contestant is behind or even on the scorecards.

#### DAR 10.07. Mixed martial arts contests may end under the following results:

1. Submission by:

- (a) Tap Out
- (a) Verbal tap out

2. TKO by referee stopping bout

3. Decision via scorecards:

(a) Unanimous decision – when all three judges score the contest for the same contestant;

(b) Split decision – when two judges score the contest for one contestant and one judge scores for the opponent;

(c) Majority decision – when two judges score the contest for the same contestant and one judge scores a draw;

(d) Draw:

(i) Unanimous – when all three judges score the contest a draw

(ii) Majority – when two judges score the contest a draw

- (iii) Split – when all three judges score differently.
- (e) Disqualification;
- (f) Forfeit;
- (g) Technical Draw;
- (h) Technical Decision;
- (i) No Contest.

DAR 10.08. Mixed martial arts contests and exhibitions may be held in a ring or fenced area.

1. A mixed martial arts ring must meet the following requirements:

(a) The ring shall be no smaller than 20 feet square and no larger than 32 feet square within the ropes. The ring floor must extend at least 24 inches beyond the ropes. The ring floor must be padded with ensolite or another similar closed-cell foam, with at least 1 inch layer of foam padding. Padding must extend beyond the ring ropes and over the edge of the platform, with a top covering of canvas, duck or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges must not be used.

(b) The ring platform must not be more than 4 feet above the floor of the building, and must be provided with suitable steps for use of unarmed combatants. Ring posts must be of metal, not more than 3 inches in diameter, extending from the floor of the building to a minimum height of 58 inches above the ring floor, and shall be properly padded in a manner approved by the Commission. Ring posts must be at least 18 inches away from the ropes.

(c) There must be four ring ropes, not less than 1 inch in diameter and wrapped in soft material. The lower rope must be 12 inches above the ring floor.

(d) There must not be any obstruction or object, including, without limitation, a triangular border, on any part of the ring floor.

2. A mixed martial arts fenced area must meet the following requirements:

(a) The fenced area must have at least 8 equal sides, or be circular, and shall be no smaller than 20 feet wide and no larger than 32 feet wide. The floor must extend at least 18 inches beyond the fence. The fenced area floor must be padded with ensolite or another similar closed-cell foam, with at least a 1 inch layer of foam padding, with a top covering of canvas, duck or similar material tightly stretched and laced to the fenced



area platform. Material that tends to gather in lumps or ridges must not be used.

(b) The fenced area platform must not be more than 4 feet above the floor of the building, and must be provided with suitable steps for use of unarmed combatants. Fence posts must be of metal, not more than 6 inches in diameter, extending from the floor of the building to between 6 and 8 feet above the fenced area floor, and shall be properly padded in a manner approved by the Commission.

(c) The fenced area shall be enclosed by a fence made of material as will not allow fighter to fall out or break through it onto the floor or spectators; including, but not limited to, vinyl-coated chain link. All metal parts shall be covered and padded in a manner approved by the Commission and shall not be abrasive to the contestants. The fence shall provide two (2) entries into the fenced area.

(d) There must not be any obstruction on any part of the fence surrounding the competition area.

## XI. PROHIBITIONS; DISCIPLINARY ACTION

DAR 11.01 Administration or use of alcohol, stimulants, drugs or injections; urinalysis or chemical tests; disciplinary action.

1. The administration of or use of any:

(a) Alcohol;

(b) Stimulant; or

(c) Drug or injection that has not been approved by the Department, including, but not limited to, the drugs or injections listed in subsection 2, in any part of the body, either before or during a contest or exhibition, to or by any unarmed combatant;

is prohibited.

2. The following types of drugs, injections or stimulants are prohibited pursuant to subsection 1 unless approved by the Department physician on a case-by-case basis:

(a) Afrinol or any other product that is pharmaceutically similar to Afrinol.

(b) Co-Tylenol or any other product that is pharmaceutically similar to Co-Tylenol.

(c) A product containing an antihistamine and a decongestant.

(d) A decongestant other than a decongestant listed in subsection 4.

(e) Any over-the-counter drug for colds, coughs or sinuses other than those drugs listed in subsection 4. This paragraph includes, but is not limited to, Ephedrine, Phenylpropanolamine, and Mahuang and derivatives of Mahuang.

(f) Coumadin.

(g) Performance enhancing medications including but not limited to anabolic steroids, growth hormone, Epogen or any similar medications.

(h) Aspirin and products containing aspirin.

3. The following types of drugs or injections are not prohibited pursuant to subsection 1, but their use is discouraged by the Department:

(a) Nonsteroidal anti-inflammatories.

4. The following types of drugs or injections are approved by the Department but use must be revealed to the Department physician prior to scheduled bout:

(a) Antacids, such as Maalox.

(b) Antibiotics, antifungals or antivirals that have been prescribed by a physician.

(c) Antidiarrheals, such as Imodium, Kaopectate or Pepto-Bismol.

(d) Antihistamines for colds or allergies, such as Bromplien, Brompheniramine, Chlorpheniramine Maleate, Chlor-Trimeton, Dimetane, Hismal, PBZ, Seldane, Tavist-1 or Teldrin.

(e) Antinauseants, such as Dramamine or Tigan.

(f) Antipyretics, such as Tylenol.

(g) Antitussives, such as Robitussin, if the antitussive does not contain codeine.

(h) Antiulcer products, such as Carafate, Pepcid, Reglan, Tagamet or Zantac.

(i) Asthma products in aerosol form, such as Brethine, Metaproterenol (Alupent) or Salbutamol (Albuterol, Pro venti I or Ventolin).

(j) Asthma products in oral form, such as Aminophylline, Cromolyn, Nasalide or Vanceril.

(k) Ear products, such as Auralgan, Cerumenex, Cortisporin, Debrox or Vosol.

(l) Hemorrhoid products, such as Anusol-HC, Preparation H or Nupercainal.

(m) Laxatives, such as Correctol, Doxidan, Dulcolax, Efferyllium, Ex-Lax, Metamucil, Modane or Milk of Magnesia.

(n) Nasal products, such as A YR Saline, HuMist Saline, Ocean or Salinex.

(o) The following decongestants:

(i) Afrin;

(ii) Oxymetazoline HCL Nasal Spray; or

(iii) Any other decongestant that is pharmaceutically similar to a decongestant listed in subparagraph (1) or (2).

5. An unarmed combatant shall submit to a urinalysis or chemical test before or after a contest or exhibition if the Department directs him or her to do so.

6. A licensee who violates any provision of this section may have his or her license suspended, revoked, and/or be issued a fine.

DAR 11.02 Preparations to stop hemorrhaging. The Department will periodically review the preparations available to stop hemorrhaging. Only the preparations that are approved by the Department may be used to stop hemorrhaging in the ring, including the following: Adrenaline, Thrombin and Avitene. Preparations must be in their original container, and the Department may determine that a preparation may not be used if there are concerns that a container contains something other than an approved preparation.

DAR 11.03 Solicitation to conduct fraudulent contest or exhibition: Duty of licensee to report such solicitation immediately; disciplinary action for failure to report. When any person who is licensed by the Department is approached with a request or suggestion that a contest or exhibition not be conducted honestly, that person must immediately report the matter to the Department. Failure to do so is grounds for license suspension, revocation, and/or a fine.

DAR 11.04 Penalties for certain violations; review by Department.

1. Except as otherwise provided in this chapter, the Department may charge a penalty not to exceed \$250,000 for any violation of the provisions of the Department Rules and Regulations in addition to possible denial, suspension or revocation of license.

## **XII. SOVEREIGN IMMUNITY**

DAR 12.00. Sovereign Immunity.

By adoption of these Rules and Regulations, the Mille Lacs Band of Ojibwe and the Mille Lacs Band Corporate Commission do not consent to a waiver of sovereign immunity. No private right of action by any person, partnership, association, corporation, business trust, legal representative, any organized group of individuals or any other person or entity is created by the adoption of these Rules and Regulations.

Ordinance 05-07

An ordinance to amend Title 15 of the Mille Lacs Band Statutes Annotated, Section II entitled Department of Athletic Regulation to correct nomination/ratification language for Boxing Commission members under Section 3 of the statute.

The District III Representative introduced the following Bill on the 9<sup>th</sup> day of November, 2006.

Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of correcting language specifying the nomination and ratification of Boxing Commission members.

I.

**Section 4 – Boxing Commission**

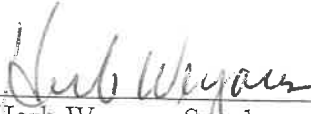
- (a) The Department shall be managed by a Board of Directors to be known as the Boxing Commission. At all times, at least one Commissioner should be selected from each District. The Board members shall be known as “Commissioner.”
- (b) The Commission shall consist of five (5) individuals who shall be appointed to sit on the Commission for a staggered term of years as follows:
- (1) Initially, the term shall be two (2) or three (3) years; and
  - (2) Thereafter, the term shall be for four (4) years.
- (c) Each Commissioner shall be appointed using the following process:
- (1) The Chief Executive shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall place the nomination on the Band Assembly calendar for ratification of one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
  - (2) The Secretary-Treasurer shall nominate two (2) individuals and submit their names to the Chief Executive. Within ten (10) calendar days after receipt of the nominations, the Chief Executive shall ratify one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
  - (3) The District I Representative shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall place the nomination on the Band Assembly calendar for ratification of one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30,

2009. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (4) The District II Representative shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall place the nomination on the Band Assembly calendar for ratification of one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2009. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
  - (5) The District III Representative shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall **place the nomination on the Band Assembly calendar for ratification of** one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2009. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
  - (6) If the Chief Executive or Band Assembly does not ratify one individual from any of the nominations sent to them within the time prescribed, a meeting of the elected officials should be held at the earliest opportunity to discuss such nomination and selection of the Commissioner shall be by super-majority vote.
  - (7) If the Chief Executive does not submit a nomination within sixty (60) days after adoption of this Ordinance or within sixty (60) days after a vacancy has occurred, then the Band Assembly shall nominate **two individuals** and ratify **one of the** two (2) individuals by majority vote. The terms of such ratification is as stated in paragraph (c)(1) of this section.
  - (8) If the Secretary-Treasurer does not submit a nomination within sixty (60) days after adoption of this Ordinance or within sixty (60) days after a vacancy has occurred, then the Band Assembly shall nominate **two individuals** and ratify **one of the** two (2) individuals by majority vote. The terms of such ratification is as stated in paragraph (c)(2) of this section.
  - (9) If one of the District Representatives fails to submit a nomination within sixty (60) days after adoption of this Ordinance or within sixty (60) days after a vacancy has occurred, the Chief Executive and Secretary-Treasurer shall each nominate one (1) individual from that district. The Speaker of the Assembly shall then place the two names on the Band Assembly calendar for ratification **of one of the two individuals** to the Commission. The terms of such ratifications are as stated in paragraphs (c)(3) through (c)(5) of this section.
  - (10) No person appointed as a Commissioner shall take office until swearing to the oath of office pursuant to 2 MLBSA § 8.

Ordinance 05-07

Introduced to the Band Assembly on this  
Ninth day of November in the year  
Two-thousand six.

Passed by the Band Assembly on this  
Ninth day of November in the year  
Two-thousand six.

  
\_\_\_\_\_  
Herb Weyaus, Speaker of the Assembly

APPROVED

Date: November 17, 2006

  
\_\_\_\_\_  
Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND

Ordinance 23-07

An Ordinance to amend Title 15 of the Mille Lacs Band Statutes Annotated, Section II entitled Department of Athletic Regulation (DAR) to change the language of Section 2, to make changes to Section 4(b), (i), (j), and to add (k), and to change the language of Section 6 (Medical Standards).

The District III Representative introduced the following Bill on the 22<sup>nd</sup> day of March, 2007. *On March 29, 2007, the Bill was vetoed and compromise hearing was held on April 5, 2007. On April 24, 2007, the District III Representative re-introduced the Bill with changes.*

Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of changing the language of Section 2, *to change the appointment process of the Boxing Commissioners in Section 4(b), the compensation language in Section 4(i), the training language in Section 4(j), to add Section 4(k), and to change the language of Section 6 (Medical Standards). The language of Section 4, subsections (a), (c), (d), (e), (f), (g), and (h) shall remain unchanged.*

I.

**Section 2 – Purpose of the Commission**

By this Ordinance, the Commission is created to regulate, administer and oversee the conduct of all professional athletic events held on the Mille Lacs Band of Ojibwe Reservation, including professional boxing and mixed martial arts, for the purpose of promoting the health, safety and welfare of all persons engaged in such activities, and that of Band Members and the public. The Commission shall direct the Department Manager be present at each place where professional boxing, mixed martial arts or other professional athletic activities are to be held pursuant to the provisions of this Ordinance. The Department Manager shall make a written report of the exact conditions surrounding such match or exhibition in the form and manner prescribed by the Commission. *It is also recommended that a minimum of three (3) Commissioners be present at each professional boxing, mixed martial arts or other professional athletic event.*

II.

**Section 4 – Boxing Commission**

(a) The Department shall be managed by a Board of Directors to be known as the Boxing Commission. At all times *there shall be at least one Board Member, to be known as "Commissioner," on the Boxing Commission from each District. The Board shall consist of five (5) members appointed in the manner and have the terms provided in paragraph (b) of this section.*



(b) *Appointments process, terms, oath of office.* Each Board Member shall be appointed using the following process:

- (1) The Chief Executive shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations *by the Secretary-Treasurer, the Secretary-Treasurer shall ratify one (1) of the two (2) nominees to be a Member of the Board.* Such *Member* shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (2) The Secretary-Treasurer shall nominate two (2) individuals and submit their names to the Chief Executive. Within ten (10) calendar days after receipt of the nominations *by the Chief Executive, the Chief Executive shall ratify one (1) of the two (2) nominees to be a Member of the Board.* Such *Member* shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (3) *Each* District Representative shall nominate two (2) individuals and submit their names to the *Chief Executive.* Within ten (10) calendar days after receipt of the nominations *by the Chief Executive, the Chief Executive shall ratify one (1) of the two (2) nominees to be a Member of the Board.* Such *Board Member* shall serve until September 30, 2009. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (4) If the Chief Executive or *Secretary-Treasurer* does not ratify one individual from any of the nominations sent to them within the time prescribed, *then the Band Assembly shall select such Member by majority vote.*
- (5) If *any person does not submit* a nomination within *thirty (30) days* after a vacancy has occurred, then *the Band Assembly shall nominate two (2) individuals by majority vote and submit their names to the Chief Executive for ratification to the Board.* The *timing and process for ratification are as stated in paragraphs (b)(1) and (b)(4) of this section.*
- (6) No person shall take office until swearing to the oath of office pursuant to 2 MLBSA § 8.

(c) Qualifications of Commissioners are as follows:

- (1) Commissioners shall be individuals who are of high moral character and integrity, who have a reputation for being honest, fair, objective, and who are recognized as possessing sound judgment.
- (2) It is preferred that Commissioners be individuals with an interest in boxing or mixed martial arts or be individuals that have a background in amateur boxing.
- (3) Commissioners may not have been convicted of a felony within ten (10) years of adoption of this Ordinance.
- (4) No fewer than three (3) Commissioners shall be Band members. There shall be at least one Commissioner from each of the Band's three districts.

- (5) Commissioners may not be employed by the Corporate Commission or a MLBO gaming enterprise.
  - (6) Commissioners shall be subject to background investigations.
- (d) Commission officers.
- (1) The Commission shall have a Chairperson, Vice-Chairperson and a Secretary.
  - (2) The Chairperson of the Commission shall be determined by a majority vote of the elected officials and selected from one of the current Commissioners or, if there is a vacancy, the individual who is appointed to fill such vacancy.
  - (3) The Vice-Chairperson shall be selected by the Commission by majority vote.
  - (4) The Secretary shall be selected by the Commission by majority vote.
- (e) Board Duties.
- (1) The Chairperson shall preside over meetings of the Commission and the Vice-Chairperson shall preside over meetings of the Commission in the absence of the Chairperson. The Secretary shall record in writing the minutes of all Board meetings and all official actions taken by the Commission. A copy of the minutes shall be provided to the Band Assembly and Chief Executive.
  - (2) Commissioners shall serve part-time, however, the Commission shall meet a minimum of once per month.
- (f) Vacancies.
- (1) The Chairperson shall notify the Band Assembly and Chief Executive of any vacancy on the Commission at least thirty (30) days prior to the end of term or, in circumstances other than the end of a term, immediately upon the knowledge that a vacancy will occur.
  - (2) If there is a vacancy on the Commission, then the vacancy shall be filled in the same manner as the vacating Commissioner who was originally appointed.
  - (3) Any Commissioner, including the Chairperson, appointed to fill a vacancy shall serve for the remainder of the vacant term, however, any Commissioner may be re-appointed during this time period pursuant to paragraph (c) of this section.
- (g) No elected official shall serve as a Commissioner during his/her term of office.
- (h) Removal. A Commissioner may be removed by a super-majority vote of four (4) out of five (5) members of the elected officials. The determination of the elected officials is final and unappealable to the Court of Central Jurisdiction.
- (i) Compensation. Commissioners shall be paid Two Hundred and Fifty Dollars (\$250.00) per meeting, not to exceed Five Hundred and No Dollars (\$500.00) in one month, except that in a case of demonstrated emergency, the Chairperson may petition the Secretary-Treasurer for compensation for additional meetings. Compensation shall be paid to Commissioners as follows: (1) for his/her attendance at official Commission meetings; and (2) for participation at official trainings hosted by the Commission e.g., inspector training. Mileage and other travel expenses will be

compensated on the same terms and conditions as applicable to Senior Executive Staff appointees as provided by Band law.

(j) Training.

(1) Commissioners shall attend one or more training seminars per year during their terms of membership. These seminars shall be sanctioned by the Association of Boxing Commissioners ("ABC) or other professional boxing or martial arts organization.

(2) Commissioners attending mandatory training seminars, who are also employees of the Band government, shall be compensated at their documented rate of pay for each hour they are in attendance at such training plus mileage and other travel expenses as stated in paragraph (j) in this section. Commissioners, who are also employees of the Band government, shall not be required to use his/her accrued annual leave, but will be paid as if they were at work.

(3) Commissioners **who are not Band government employees** and are required to be absent from their employment to attend mandatory training pursuant to subsection (k) (1) above, shall be compensated at their previously documented hourly rate of pay, **but not to exceed \$15.00 per hour**, for each hour that they are in attendance at such training plus mileage and other travel expenses as stated in subparagraph (2) above.

(k) *Funding of Department.*

(1) *The DAR shall be funded as follows:*

(a) *\$50,000.00 from Net Revenue to be appropriated each and every year by Band government budget process.*

(b) *From ticket sales of unarmed combat events, there shall be a 40/60 split between the DAR and the appropriate Grand Casino budget. Forty percent (40%) shall be assigned to the DAR budget through OMB and sixty percent (60%) shall be assigned to the Grand Casino for an annual maximum amount of \$150,000.00 per fiscal year. After the maximum of \$150,000.00 has been paid to DAR from the 40/60 split, the Grand Casino will retain 100% of all ticket sales for that fiscal year.*

### III.


#### Section 6 – Medical Standards

For each World Championship Event, there shall be two (2) ringside physicians present at each professional boxing or mixed martial arts event. For all other non-championship athletic events, there shall be one (1) ringside physician present. At the earliest opportunity, all such physicians shall be registered with and attend training sessions with the American Association of Professional Ringside Physicians ("AAPRP"). All ringside physicians must be licensed in the *United States* and have professional qualifications suitable to professional boxing or mixed martial arts. Accepted medical background includes, but is not limited to, internal medicine, neurology or general practice. All regulations adopted with the passage of this Ordinance shall be followed.

Ordinance 23-07

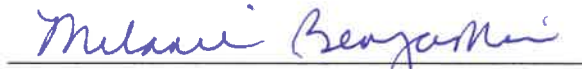
Introduced to the Band Assembly on this  
Twenty-Fourth day of April in the year  
Two-Thousand Seven.

Passed by the Band Assembly on this  
Twenty-Fourth day of April in the year  
Two-Thousand Seven.

  
\_\_\_\_\_  
Herb Weyaus, Speaker of the Assembly

APPROVED

Date: May 2, 2007

  
\_\_\_\_\_  
Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**

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# MEMORANDUM

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**TO:** MELANIE BENJAMIN, CHIEF EXECUTIVE OFFICER  
**FROM:** HERB WEYAUS, BAND ASSEMBLY SPEAKER  
**DATE:** MARCH 30, 2007  
**RE:** COMPROMISE HEARING FOR BA BILL 12-03-23-07



The Compromise Hearing for Band Assembly Bill # 12-03-23-07 will be held on Thursday, April 5, 2007. Band Assembly will meet at the Chiminising Center in Isle at 10a.m.



MILLE LACS BAND OF OJIBWE  
*Executive Branch of Tribal Government*

March 29, 2007

Mr. Herb Weyaus  
Speaker of Assembly  
Band Assembly  
Mille Lacs Band of Ojibwe  
Onamia, MN 56359

Dear Herb:

Band Assembly Bill 12-03-23-07 is vetoed. Correspondence was sent to you regarding my issues with the current boxing commission legislation. To date you have not responded to my concerns.

I received a voice message from Elaine Smith stating that the boxing commission would not be self-sufficient for at least three years. I have concerns with that statement. It seems that there are a few issues that need to be discussed and resolved.

As I stated in my earlier correspondence, I support the boxing commission and its intent but I have concerns.

Sincerely,

Melanie Benjamin  
Chief Executive

MB/pn

**DISTRICT I**

43408 Oodena Drive • Onamia, MN 56359  
(320) 532-4181 • Fax (320) 532-4209

**DISTRICT II**

36666 State Highway 65 • McGregor, MN 55760  
(218) 768-3311 • Fax (218) 768-3903

**DISTRICT IIA**

2605 Chiminising Drive • Isle, MN 56342  
(320) 676-1102 • Fax (320) 676-3432

**DISTRICT III**

45749 Grace Lake Road • Sandstone, MN 55072  
(320) 384-6240 • Fax (320) 384-6190

**URBAN OFFICE**

1433 E. Franklin Avenue, Ste. 7c • Minneapolis, MN 55404  
(612) 872-1424 • Fax (612) 872-1257

Band Assembly Bill 12-03-23-07

A Bill to amend Title 15 of the Mille Lacs Band Statutes Annotated, Section II entitled Department of Athletic Regulation (DAR) to change the language of Section 2, to make changes to Section 4, sub-section (j) for the Boxing Commissioners, and sub-section (k), and to change the language of Section 6 (Medical Standards).

The District III Representative introduced the following Bill on the 22<sup>nd</sup> day of March, 2007.

Preamble

Be it enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of changing the language of Section 2, to change the compensation language of Section 4, sub-section (j) and in sub-section (k), and to change the language of Section 6 (Medical Standards). The language of Section 4, subsections (a) through (i) shall remain unchanged:

I.

**Section 2 – Purpose of the Commission**

By this Ordinance, the Commission is created to regulate, administer and oversee the conduct of all professional athletic events held on the Mille Lacs Band of Ojibwe Reservation, including professional boxing and mixed martial arts, for the purpose of promoting the health, safety and welfare of all persons engaged in such activities, and that of Band Members and the public. The Commission shall direct the Department Manager be present at each place where professional boxing, mixed martial arts or other professional athletic activities are to be held pursuant to the provisions of this Ordinance. The Department Manager shall make a written report of the exact conditions surrounding such match or exhibition in the form and manner prescribed by the Commission. It is also recommended that a minimum of three (3) Commissioners be present at each professional boxing, mixed martial arts or other professional athletic event.

II.

**Section 4 – Boxing Commission**

(a) The Department shall be managed by a Board of Directors to be known as the Boxing Commission. At all times, at least one Commissioner should be selected from each District. The Board members shall be known as “Commissioner.”

(b) The Commission shall consist of five (5) individuals who shall be appointed to sit on the Commission for a staggered term of years as follows:

- (1) Initially, the term shall be two (2) or three (3) years; and
- (2) Thereafter, the term shall be for four (4) years.

(c) Each Commissioner shall be appointed using the following process:

- (1) The Chief Executive shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall place the nomination on the Band Assembly calendar for ratification of one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (2) The Secretary-Treasurer shall nominate two (2) individuals and submit their names to the Chief Executive. Within ten (10) calendar days after receipt of the nominations, the Chief Executive shall ratify one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (3) The District I Representative shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall place the nomination on the Band Assembly calendar for ratification of one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2009. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (4) The District II Representative shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall place the nomination on the Band Assembly calendar for ratification of one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2009. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (5) The District III Representative shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall place the nomination on the Band Assembly calendar for ratification of one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2009. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (6) If the Chief Executive or Band Assembly does not ratify one individual from any of the nominations sent to them within the time prescribed, a meeting of the elected officials should be held at the earliest opportunity to discuss such nomination and selection of the Commissioner shall be by super-majority vote.
- (7) If the Chief Executive does not submit a nomination within sixty (60) days after adoption of this Ordinance or within sixty (60) days after a vacancy has occurred, then the Band Assembly shall nominate two individuals and ratify one of the two (2) individuals by majority vote. The terms of such ratification is as stated in paragraph (c)(1) of this section.
- (8) If the Secretary-Treasurer does not submit a nomination within sixty (60) days after adoption of this Ordinance or within sixty (60) days after a vacancy



has occurred, then the Band Assembly shall nominate two individuals and ratify one of the two (2) individuals by majority vote. The terms of such ratification is as stated in paragraph (c)(2) of this section.

- (9) If one of the District Representatives fails to submit a nomination within sixty (60) days after adoption of this Ordinance or within sixty (60) days after a vacancy has occurred, the Chief Executive and Secretary-Treasurer shall each nominate one (1) individual from that district. The Speaker of the Assembly shall then place the two names on the Band Assembly calendar for ratification of one of the two individuals to the Commission. The terms of such ratifications are as stated in paragraphs (c)(3) through (c)(5) of this section.
- (10) No person appointed as a Commissioner shall take office until swearing to the oath of office pursuant to 2 MLBSA § 8.

(d) Qualifications of Commissioners are as follows:

- (1) Commissioners shall be individuals who are of high moral character and integrity, who have a reputation for being honest, fair, objective, and who are recognized as possessing sound judgment.
- (2) It is preferred that Commissioners be individuals with an interest in boxing or mixed martial arts or be individuals that have a background in amateur boxing.
- (3) Commissioners may not have been convicted of a felony within ten (10) years of adoption of this Ordinance.
- (4) No fewer than three (3) Commissioners shall be Band members. There shall be at least one Commissioner from each of the Band's three districts.
- (5) Commissioners may not be employed by the Corporate Commission or a MLBO gaming enterprise.
- (6) Commissioners shall be subject to background investigations.

(e) Commission officers.

- (1) The Commission shall have a Chairperson, Vice-Chairperson and a Secretary.
- (2) The Chairperson of the Commission shall be determined by a majority vote of the elected officials and selected from one of the current Commissioners or, if there is a vacancy, the individual who is appointed to fill such vacancy.
- (3) The Vice-Chairperson shall be selected by the Commission by majority vote.
- (4) The Secretary shall be selected by the Commission by majority vote.

(f) Board Duties.

- (1) The Chairperson shall preside over meetings of the Commission and the Vice-Chairperson shall preside over meetings of the Commission in the absence of the Chairperson. The Secretary shall record in writing the minutes of all Board meetings and all official actions taken by the Commission. A copy of the minutes shall be provided to the Band Assembly and Chief Executive.
- (2) Commissioners shall serve part-time, however, the Commission shall meet a minimum of once per month.

- (g) Vacancies.
- (1) The Chairperson shall notify the Band Assembly and Chief Executive of any vacancy on the Commission at least thirty (30) days prior to the end of term or, in circumstances other than the end of a term, immediately upon the knowledge that a vacancy will occur.
  - (2) If there is a vacancy on the Commission, then the vacancy shall be filled in the same manner as the vacating Commissioner who was originally appointed.
  - (3) Any Commissioner, including the Chairperson, appointed to fill a vacancy shall serve for the remainder of the vacant term, however, any Commissioner may be re-appointed during this time period pursuant to paragraph (c) of this section.
- (h) No elected official shall serve as a Commissioner during his/her term of office.
- (i) Removal. A Commissioner may be removed by a super-majority vote of four (4) out of five (5) members of the elected officials. The determination of the elected officials is final and unappealable to the Court of Central Jurisdiction.
- (j) Compensation. Commissioners shall be paid Two Hundred and Fifty Dollars (\$250.00) per meeting, not to exceed Five Hundred and No Dollars (\$500.00) in one month, except that in a case of demonstrated emergency, the Chairperson may petition the Secretary-Treasurer for compensation for additional meetings. Compensation shall be paid to Commissioners as follows: (1) for his/her attendance at official Commission meetings; and (2) for participation at official trainings hosted by the Commission e.g., inspector training. Mileage and other travel expenses will be compensated on the same terms and conditions as applicable to Senior Executive Staff appointees as provided by Band law.
- (k) Training.
- (1) Commissioners shall attend one or more training seminars per year during their terms of membership. These seminars shall be sanctioned by the Association of Boxing Commissioners ("ABC) or other professional boxing or martial arts organization.
  - (2) Commissioners attending mandatory training seminars, who are also employees of the Band government, shall be compensated at their documented rate of pay for each hour they are in attendance at such training plus mileage and other travel expenses as stated in paragraph (j) in this section. Commissioners, who are also employees of the Band government, shall not be required to use his/her accrued annual leave, but will be paid as if they were at work.
  - (3) Commissioners who are not Band government employees and are required to be absent from their employment to attend mandatory training pursuant to sub-section (k) (1) above, shall be compensated at their previously documented hourly rate of pay, but not to exceed \$15.00 per hour, for each hour that they are in attendance at such training plus mileage and other travel expenses as stated in sub-paragraph (2) above.

### III.


#### Section 6 – Medical Standards

For each World Championship Event, there shall be two (2) ringside physicians present at each professional boxing or mixed martial arts event. For all other non-championship athletic events, there shall be one (1) ringside physician present. At the earliest opportunity, all such physicians shall be registered with and attend training sessions with the American Association of Professional Ringside Physicians (“AAPRP”). All ringside physicians must be licensed in the **United States** and have professional qualifications suitable to professional boxing or mixed martial arts. Accepted medical background includes, but is not limited to, internal medicine, neurology or general practice. All regulations adopted with the passage of this Ordinance shall be followed.

Ordinance 23-07

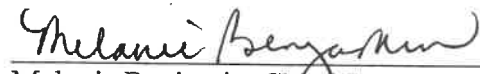
Introduced to the Band Assembly on this  
Twenty-Second day of March in the year  
Two-thousand seven.

Passed by the Band Assembly on this  
Twenty-Second day of March in the year  
Two-thousand seven.

  
\_\_\_\_\_  
Herb Weyaus, Speaker of the Assembly

APPROVED

Date: Vetoed 3/29/07

  
\_\_\_\_\_  
Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**

## CERTIFICATION

I, Carla Dunkley officially certifying that I personally delivered Band Assembly Bill 12-03-23-07 to Chief Executive, Melanie Benjamin, on this 22<sup>nd</sup>, day of March 2007.

1. I, Melanie Benjamin, Chief Executive received BA Bill 12-03-23-07 to Chief Executive, Melanie Benjamin, on this 22<sup>nd</sup>, day of March 2007.

\_\_\_\_\_  
Melanie Benjamin, Chief Executive

Or

2. Received in the Chief Executive Office by

  
\_\_\_\_\_



BA Bill 12-03-23-07 must be returned to Legislative Office no later than March 30, 2007, at 4:30 p.m., or it becomes law without the Chief Executive's signature.

Ordinance 05-11

An ordinance amending Section II of Title 15 of the Mille Lacs Band Statutes Annotated entitled Department of Athletic Regulation (DAR) in order to amend the funding split language and to broaden the regulatory function over amateur mixed martial arts (MMA). These changes are intended to strengthen the Department of Athletic Regulation and broaden the safety and protection of unarmed combatants who participate in amateur mixed martial arts on Band lands.

The District III Representative introduced the following Bill on the 17<sup>th</sup> day of February, 2011.

Preamble

The Band Assembly of the Mille Lacs Band of Ojibwe believes it is in the best interest of the Band to strengthen its role as a regulator of unarmed combatant events in order to ensure to the best of their ability the safety of all unarmed combatants who participate in such events on Band lands. This amendment serves to also better protect Band Members and others who attend the amateur and professional athletic events on Band lands.

This amendment also amends the five (5) member Board previously referred to as the "Boxing Commission" to hereafter be referred to as the "DAR Commissioners" or Athletic Regulation Commission. The Department of Athletic Regulation Commission serves as the Band regulator to ensure the continuing impartial and safe regulation of all events involving unarmed combatants on Band lands.

I.

- (1) The Department of Athletic Regulation is hereafter included in Section II of Title 15 of the Mille Lacs Band Statutes Annotated.
- (2) The amendments to Section II of Title 15 of the MLBSA, Sections 801 through 806 are included as an attachment to this Bill referenced as Exhibit A.

Ordinance 05-11  
(Band Assembly Bill 14-03-05-11)

Introduced to the Band Assembly on this  
Seventeenth day of February in the year  
Two-Thousand eleven.


Passed by the Band Assembly on this  
Seventeenth day of February in the year  
Two-thousand eleven.



Curt Kalk  
Curt Kalk, Speaker of the Assembly

APPROVED:

Date: 2/22/11

  
Marge Anderson  
Marge Anderson, Chief Executive

**OFFICIAL SEAL OF THE BAND**

# Mille Lacs Band Statutes Annotated

Amendments received through: February 15, 2011

## TITLE 15

### SECTION I: GAMING REGULATORY ACT

Field Code Changed

Chapter	Section
1. General Provisions	1
2. Gaming Activity	101
3. Ownership and Revenue	201
4. Gaming Regulatory Authority	301
5. Office of Gaming Regulation and Compliance(OGR&C); Director of Gaming Regulation and Compliance	401
6. Appeals	501
7. Data Privacy	601
8. Compulsive Gambling	701

#### Historical and Statutory Notes

The Preamble and §§ 1 and 17 of Band Ordinance 44-03 (Section I of this Title) provide:

“Preamble. It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe the following act for the purpose of establishing a statutory system for the effective regulation of gaming activities within the jurisdiction of the Band to be called the Gaming Regulatory Act; establishing an independent regulatory authority called the Mille Lacs Band Gaming Regulatory Authority; and for other purposes.”

“Section 1. REPEAL AND REPLACEMENT OF TITLE 15 AND GAMING REGULATIONS; EFFECTIVE DATE; TRANSITION. This Gaming Act and regulations promulgated thereunder shall constitute the entire gaming laws and regulations of the Band. The prior Title 15 of Band Statutes is hereby repealed and replaced. Upon final approval of Initial Detailed Gaming Regulations by the Gaming Authority (hereinafter the “Authority”) and the Band Assembly pursuant to section 11(d)(2)(C) [§ 305(e) of this

Title], such regulations will replace and supercede all then existing gaming regulations. Authority control of gaming regulation shall become effective upon the date that this Act is filed with and approved by the National Indian Gaming Commission and the first Director of the Office of Gaming Regulation and Compliance, as described in section 12 of this Act [§§ 401 - 403 of this Title], takes the oath of office. The Authority Board of Directors, the Director of the Office of Gaming Regulation and Compliance, the Commissioner of Corporate Affairs, and the Commissioner of Finance shall work together to assure the smooth transition of gaming regulation from the Commission to the Authority.”

“Section 17. SEVERABILITY. If any provision or application of this Act is determined by judicial review to be invalid, such determination shall not be held to render such provision inapplicable to other persons or circumstances, nor shall such determination render invalid any other provision of this Act.”



## **CHAPTER 1 GENERAL PROVISIONS**

**Section**

1. Findings
2. Declaration of Purpose
3. Definitions

### **§ 1. Findings**

The Mille Lacs Band of Ojibwe Assembly finds that:

(a) The Mille Lacs Band of Ojibwe has a long history of conducting different forms of gaming within our sovereign territory. Prior to entering into treaties with the United States the Band allowed many traditional forms of gaming;

(b) Gaming on Band Lands is a valuable means of generating revenues needed by the Band to enhance economic development and self-sufficiency, promote and strengthen self-governance, increase Band member employment, and to fund essential Band social programs and services; and

(c) Band Regulation and control of gaming on Band Lands is necessary in order to ensure the welfare and best interests of the Band, its members and patrons of the Band's gaming enterprises, prevent any proliferation of organized crime and other corrupting influences on Band Lands, protect the fairness of gaming conducted on Band Lands and preserve the political integrity of the Band.

#### **Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 2

### **§ 2. Declaration of Purpose**

The express purpose of Section I of this Title is:

(a) to provide a statutory basis for the regulation of gaming on Band Lands to ensure that gaming is shielded from organized crime and other corrupting influences, to ensure that the Band is the primary beneficiary of the gaming operation, and to assure that gaming is conducted fairly and honestly by both the operator and the player;

(b) to regulate and control gaming on Band Lands for the protection of gaming as a means of promoting economic development, self-sufficiency, and strong tribal government;

(c) to foster a spirit of cooperation with federal officials in the regulation of gaming;

(d) to foster a spirit of cooperation with Minnesota officials in the conduct of Class III gaming pursuant to any Compacts;

(e) to ensure that gaming on Band Lands is conducted in conformity with Band law, the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. section 2701 et seq. and regulations promulgated pursuant thereto, applicable State law and the Compact;

(f) to ensure that the construction and maintenance of gaming facilities and the operation of all gaming conducted at such facilities is conducted in a manner which adequately protects the environment, public health, and safety; and

(g) to establish an independent regulatory authority charged with oversight and enforcement of gaming regulatory matters under Band law, with the goal of becoming self-regulating under IGRA and regulations promulgated thereto.

#### **Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 3

### **§ 3. Definitions**

For the purpose of Section I of this Title, the following definitions shall apply:

(a) "Authority" means the Mille Lacs Band Gaming Regulatory Authority established by Section I of this Title.

(b) "Authority Data" means all information, files, reports, records, correspondence and other data collected, created, received, maintained or disseminated by the Authority regardless of its physical form, storage method, or conditions of use.

(c) "Applicant" means an individual or entity that applies for a Band gaming license or certification.

(d) "Background Investigation" has the meaning given in 25 C.F.R. Part 556.4.

(e) "Band" means the Mille Lacs Band of Ojibwe.

(f) "Band Gaming Laws" means Section I of this Title and all subsequent amendments thereto, and all detailed regulations promulgated thereunder.

(g) "Band Lands" means any land within the jurisdiction of the Band upon which

gaming activities pursuant to IGRA may be conducted.

(h) "Board" means the Board of Directors of the Gaming Regulatory Authority.

(i) "Closely associated independent contractor" means any contractor that shares common ownership, officers, or directors with any management principal or person related thereto.

(j) "Chairperson" means the Chairperson of the Board.

(k) "Charitable Gaming" means any Gaming carried out by an Indian Charitable Organization on Band Lands.

(l) "Compact(s)" means any Class III tribal-state gaming compact in effect between the Band and the State of Minnesota to govern the conduct of certain Class III Gaming Activities on Band Land.

(m) "Compliance" means that any gaming and gaming related activity regulated by Section I of this Title is conducted in accordance with applicable laws.

(n) "Compliance Determination" has the meaning given in section 308 of this Title.

(o) "Confidential Data" means Authority Data on a Person that by Band statute, regulation or order, or by applicable federal law, is not made available to the public. The term includes Confidential Limited Availability Data and Confidential Restricted Availability Data.

(p) "Confidential Financial Information" means any financial accounting records, ledgers, reports, and audits; and any profit and loss statements, cash flow projections, tax returns, invoices, checks, bank records, or other data on the revenues, expenditures, or financial obligations of a Person, other than a Gaming Enterprise.

(q) "Confidential Limited Availability Data" means Confidential Data that by Band statute, regulation or order, or by applicable federal law is made accessible to the subject of the data (if any).

(r) "Confidential Restricted Availability Data" means Confidential Data that is not available to the subject of the data.

(s) "Corporate Commission" means the Corporate Commission of the Mille Lacs Band of Ojibwe Indians as established by 16 MLBSA section 101 et seq.

(t) "Corporate Commissioner" means the Mille Lacs Band Commissioner for Corporate Affairs.

(u) "Court of Central Jurisdiction" or "CCJ" means the Court of Central Jurisdiction of the Mille Lacs Band of Ojibwe Indians established by 5 MLBSA section 1 et seq.

(v) "Director" means the director of the Office of Business Regulation and Compliance as described in section 401 of this Title.

(w) "Exclusion List" means a list prepared pursuant to section 312 of this Title that contains the names of Persons who shall not be permitted in any Gaming Enterprise.

(x) "Financial Information on a Gaming Enterprise" includes, but is not limited to any financial accounting records, ledgers, reports, and audits; and any profit and loss statements, cash flow projections, tax returns, invoices, checks, bank records, or other data on the revenues, expenditures, or financial obligations of a Gaming Enterprise.

(y) "Gaming" means an activity in which a person stakes or risks something of value on the outcome of a contest of chance or a future contingent event, not under his or her control or influence, upon an agreement or understanding that the person, or someone else, will receive something of value in the event of a certain outcome, but shall not include a bona fide business transaction.

(z) "Gaming Activity" or "Gaming Activities" means any Class I, Class II, or Class III gaming activity as defined by the Indian Gaming Regulatory Act and conducted by or under the jurisdiction of the Band.

(aa) "Gaming Compliance Officer" or "GCO" means the officer described in section 401(a)(4) of this Title.

(bb) "Gaming Contractor" means any person or entity that supplies gaming devices or other gaming equipment, personnel, or services, including gaming management or consulting services, to any Gaming Activity or Gaming Enterprise.

(cc) "Gaming Enterprise(s)" means the Grand Casino Mille Lacs, the Grand Casino Hinckley and any other commercial facility or business owned by the Band through the Corporate Commission and operated, in whole or in part, for the conduct of Gaming or related to Gaming Activities within the jurisdiction of the Band.

(dd) "Gaming Regulatory Authority" means the independent agency established herein and designated with responsibility for performing the Band's regulatory responsibilities and duties under IGRA, this Act, and any Compacts.

(ee) "Gaming Supplier" means any contractor or other supplier of gaming goods, supplies, materials, equipment, or services to any Gaming Enterprise, the aggregate annual cost of which to the Band's Gaming Enterprises is at least \$25,000. The term Gaming Supplier shall be more particularly defined in detailed gaming regulations to be promulgated by the Authority.

(ff) "Hearing Examiner" means an individual employed or contracted with by the Authority for the purpose of conducting a hearing pursuant to Chapter 4 (§§ 301 - 314) of this Title. Such person shall: (1) be independent of any claimant, the Corporate Commission, any Gaming Enterprise, and any affiliates of the foregoing; (2) be an attorney in good standing licensed by the Mille Lacs Band and any State, and (3) have relevant legal experience.

(gg) "Immediate Family" or "related to" means persons who are the subject individual's spouse, parents, siblings, and children (either adopted or biological).

(hh) "Indian Charitable Organization" means any non-profit association or corporation, or unincorporated community group with a primary purpose of engaging in social, educational, cultural, religious or charitable activities, or a combination thereof within the tribal community.

(ii) "Indian Gaming Regulatory Act" or "IGRA" means the Act of October 17, 1988, Public Law 100-497, 25 USC section 2701 *et seq.* as amended, and all regulations promulgated pursuant thereto.

(jj) "Information on a Pending Compliance Recommendation" means (1) any data gathered by the Director in connection with an ongoing investigation for which a Compliance Recommendation is required pursuant to section 402(b) of this Title or (2) any Compliance Recommendation that has been completed by the Director but not yet finally acted upon by the Authority.

(kk) "Information on a Pending License Application" means any data submitted by the applicant or gathered by the Director or the Authority in connection with a pending application for a license required by Section I of this Title.

(ll) "Initial Detailed Gaming Regulations" means a full and complete set of gambling regulations, to be the first regulations promulgated by the Authority pursuant to section 305 of this Title and submitted to the Band Assembly for final approval, to comprehensively regulate all aspects of gaming necessary to (1) ensure effective, independent oversight and regulation of all gaming conducted on Reservation lands; (2) ensure that Persons who hold key positions in the Band's gaming enterprises are honest, trustworthy and of good moral character; (3) protect Band assets through implementation of strong, effective financial accounting and internal cash controls; (4) comply with all applicable law, including Band law, federal law and Band/State gaming compacts; and (5) clearly define and distinguish the respective duties and powers of casino management and gaming regulation so that they compliment one another in such a manner as to maximize the benefits of gaming to the Band and the surrounding non-Indian community.

(mm) "Key Employee" means any person as defined in 25 C.F.R. Part 502.14 and any other persons who may, pursuant to the Detailed Gaming Regulations, be included under the definition of "Key Employee" and become subject to such

requirements.

(nn) "Management Principal" means any person who is an officer or member of the Board of Directors or other person defined as a Primary Management Official as defined in 25 CFR Part 502.19.

(oo) "Net Revenues" means gross gaming revenues of an Indian gaming operation less: (1) Amounts paid out as, or paid for, prizes; and (2) Total gaming-related operating expenses, excluding management fees.

(pp) "Non-Key Employee" means any person employed by a Gaming Enterprise or the Corporate Commission, who is not otherwise defined as a Key Employee or Primary Management Official.

(qq) "Office of Gaming Regulation and Compliance" or "OGR&C" means the office charged with the responsibility of, inter alia, regulating gaming activity within the jurisdiction of the Band.

(rr) "Person" means any individual, partnership, corporation, association, business trust, joint stock company, unincorporated association or society, any other business or non-business entity, or the legal representative of such entity.

(ss) "Personnel Data" means data on individuals collected because the individual is or was an associate of, or an applicant for employment with, the Authority or the OGR&C, or acts as an independent contractor therefor.

(tt) "Primary Management Official" means any person as defined in 25 CFR Part 502.19 and any other persons who, at the discretion of the Authority, may be included under the definition of "Primary Management Official" and become subject to such requirements.

(uu) "Security Information" means Authority Data the disclosure of which would be likely to substantially jeopardize the security of Gaming Enterprise information, possessions, associates, guests or property against theft, tampering, improper use, illegal disclosure, trespass or physical injury.

(vv) "Trade Secret Information" means Authority Data, including formula, pattern, compilation, program, device, method, technique, or process (1) that was supplied by the affected Person; (2) that is the subject of efforts by the affected Person to maintain its secrecy; and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other Persons who can obtain economic benefit from its disclosure or use.

#### **Historical and Statutory Notes**

**Source:**

**CHAPTER 2  
GAMING ACTIVITY**

**Section**

- 101. General Prohibition on Gaming Activities; Violations Punishable
- 102. Unauthorized Gaming Prohibited
- 103. Permitted Gaming
- 104. Tribal-State Compacts for Class III Gaming Authorized
- 105. Use of Band Lands for Gaming Purposes
- 106. Health, Safety, and Environmental Protection
- 107. Prohibited Activities

**§ 101. General Prohibition on Gaming Activities; Violations Punishable**

All Gaming Activity on Band Lands shall be conducted in compliance with Section I of this Title and any Gaming Activities not authorized by Section I of this Title or by regulations promulgated pursuant to this Title by the Authority is prohibited. Any violations of Section I of this Title shall be punishable through means adopted by Section I of this Title, the Authority and as otherwise provided by Band law.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 5

**§ 102. Unauthorized Gaming Prohibited**

All Gaming Activities on Band Lands, whether class I, II, or III, are prohibited and unlawful, except as expressly authorized by Section I of this Title.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 6(a)

**§ 103. Permitted Gaming.**

(a) **Class I Gaming.** Class I traditional games are permitted to the extent consistent with tribal custom and practice. The Authority may prohibit and prevent any conduct which is claimed to be class I gaming if it finds that such conduct is not in accordance with tribal customs or practices or violates the IGRA or other applicable law. The Authority shall consult with a committee of Band Elders to determine which games are consistent with Band custom and practice. These games shall be listed and defined in

the Initial Detailed Gaming Regulations.

(b) **Class II and Class III Gaming.** Class II and class III gaming on Band Lands is hereby authorized. The Band has the sole proprietary interest in and responsibility for the conduct of any Gaming Enterprise.

(1) **Permitted Class II Games.**

(A) Any game of chance which the Authority and/or the National Indian Gaming Commission has determined to be class II; and

(B) any game of chance for which the Authority has promulgated rules and regulations so that such games are conducted in accordance with Section I of this Title.

(2) **Permitted Class III Games.**

(A) Video Games of Chance licensed and conducted pursuant to the Compact between the Commission and the State of Minnesota;

(B) Blackjack Games licensed and conducted under the terms of the compact between the Commission and the State of Minnesota; and

(C) Any other game of chance which is licensed and conducted pursuant to the Compact and for which the Authority has promulgated rules and regulations.

(c) **Community Charitable Gaming.**

(1) **Policy.** It is the policy of the Band to foster and assist Indian Charitable Organizations and the good works they perform for the community. To this end, the Band will allow Indian Charitable Organizations to use certain forms of gaming to raise money for their charitable purposes and to provide a healthy social outlet for members of such groups and their friends. The Authority shall regulate charitable gaming carried out by an Indian Charitable Organization so as to promote the general health and safety of the Band and to assure that such gaming is operated honestly, with high integrity, and in accordance with the highest standards.

(2) **Allowable Games.** Indian Charitable Organizations may operate the games of pull-tabs and bingo for the purposes set forth in section subparagraph (1) of this paragraph.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 6(b)



**§ 104. Tribal-State Compacts for Class III Gaming Authorized**

(a) **Corporate Commission Authorized.** The Commission is hereby authorized to negotiate and enter into class III Gaming Compacts with the State of Minnesota to govern the conduct of class III Gaming on Band Lands. Such Compacts and amendments thereto, other than technical amendments as provided in paragraph (b) of this section, shall not be valid until ratified by the Band Assembly pursuant to 3 MLBSA section 2 (f).

(b) **Technical Amendments.** The Commission may enter into technical amendments pursuant to section 6.12 of the Video Game of Chance Compact or section 7 of the Blackjack Compact or similar section of any subsequent Compact and such technical amendment shall not require Band Assembly approval as provided in section paragraph (a) of this section; however, the shareholders at the shareholders meetings shall be delivered copies of any technical amendments.

(c) **Regulations to be in compliance with Compacts.** The Authority shall adopt regulations to provide that such class III Gaming is conducted in compliance with the terms and conditions of such Compact or amendments thereto.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 6(c)

**§ 105. Use of Band Lands for Gaming Purposes**

(a) **Leases.** Leases for all Band Lands for Gaming Activities, or related to Gaming Activity purposes, shall be in full compliance with all applicable laws of the United States and the Band.

(b) **Indian celebrations.** The use of Band Lands for Indian celebrations or other social events, which includes traditional gaming as part of the celebration or other social event, shall not be subject to federal, state, or local government approval.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 7

**§ 106. Health, Safety, and Environmental Protection**

The construction and maintenance of any facility wherein Gaming Activities are

conducted and the operation of Gaming Activities authorized by Section I of this Title, or any other Band law, shall be conducted in a manner which adequately protects the environment and the public health and safety, and shall comply with all applicable Band and federal law concerning such.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 8

**§ 107. Prohibited Activities**

(a) **Minors prohibited.** It shall be unlawful for any adult to allow a person under the age of eighteen (18) years to participate in Gaming Activities at a Gaming Enterprise, or for such minor to participate in Gaming Activities at a Gaming Enterprise.

(b) **Cheating prohibited.** It shall be unlawful to conduct or participate in any gaming in a manner which results in cheating, misrepresentation, or other disreputable tactics which distract from a fair and equal chance for all participants, or otherwise affects the outcome of the game.

(c) **Sale and consumption of alcoholic beverages.** The sale of alcoholic beverages shall not be allowed at any Gaming Enterprise, unless specifically authorized by Band Statute and properly licensed pursuant to applicable Band, federal, and state law.

(d) **Extension of credit prohibited.** Extension of credit in any form shall not be allowed at any Gaming Enterprise, unless specifically authorized by Band Statute and properly licensed pursuant to applicable Band, federal, and state law.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 16

**CHAPTER 3  
OWNERSHIP AND REVENUES**

**Section**

- 201. Ownership of Gaming
- 202. Ownership and Use of Class II and Class III Gaming Revenues

**§ 201. Ownership of Gaming**

The Band shall have the sole proprietary interest in and responsibility for conducting any class II and class III Gaming Activities authorized by this Section I of

Title, except to the extent the Band may contract with and license a person or entity to own, operate, or manage a Gaming Enterprise pursuant to the provisions of IGRA, any Compacts, or as otherwise permitted by applicable law.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 9

**§ 202. Ownership and Use of Class II and Class III Gaming Revenues**

**(a) Band Property.**

(1) All revenues generated from any class II or class III Gaming Activities conducted by any Gaming Enterprise are the sole property of the Band, except as provided for under the terms of any agreement made pursuant to the provisions of IGRA, or as otherwise permitted by Band law.

(2) Any profits or net revenues from any class II or class III Gaming Activities conducted by any Gaming Enterprise shall be deposited into the Band's general treasury. Upon becoming part of the general treasury, such funds shall lose any identity as gaming revenues, except to the extent necessary to identify them as such in order to comply with applicable law.

(3) No individual tribal member shall be deemed to have any interest in such profits or net revenues from any class II or class III Gaming Activities conducted by any Gaming Enterprise, provided that the Band may adopt rules for distributing gaming proceeds to Band members on a per capita basis; provided further that such plan must meet the requirements of 25 U.S.C. section 2710 (b)(3). Payments from the general treasury funds to Band members under other Band programs, including those related to health, welfare, education, elderly care, and housing, shall not be deemed "per capita" payments.

**(b) Use of Net Band Revenues.** Net revenues derived from any class II or class III Gaming Activities conducted by any Gaming Enterprise shall be used only for the following purposes:

- (1) To fund Band government operations or programs;
- (2) To provide for the general welfare of the Mille Lacs Band and its members;
- (3) To promote Band economic development; and
- (4) To donate to charitable organizations recognized by the Band.

(c) **Distribution plan.** There shall be no per capita payments made from any net revenues derived from any class II or class III Gaming Activities conducted by any Gaming Enterprise, unless the distribution plan is approved by the Secretary of Interior pursuant to 25 U.S.C. section 2701 et seq. and the payments are made in accordance with such approved plan.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 10

**CHAPTER 4  
GAMING REGULATORY AUTHORITY**

**Section**

- 301. Establishment
- 302. Board of Directors
- 303. Organization
- 304. General Powers and Duties of the Authority
- 305. Regulations
- 306. Monitoring and Investigation
- 307. Licensing
- 308. Compliance Determinations
- 309. Independent Audits
- 310. Enforcement
- 311. Limitations on Actions
- 312. Excluded Persons
- 313. Regulatory Role
- 314. Budget

**§ 301. Establishment**

There is hereby established as an agency of the Mille Lacs Band of Ojibwe the "Gaming Regulatory Authority" (hereinafter the "Authority"), which has the power and duty to regulate Gaming matters for the Band as authorized by Band law.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 11(a)

**§ 302. Board of Directors**

(a) The Authority shall be managed by a Board of Directors to be known as the Authority's "Board." At all times there shall be at least one Board Member, to be known as "Member(s)," on the Board from each District. The Board shall consist of five (5) Members appointed in the manner and have the terms provided in paragraph (b) of this

section.

(b) **Appointments process, terms, oath of office.** Each Member shall be appointed using the following process.

(1) The Chief Executive shall nominate (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations by the Secretary-Treasurer, the Secretary-Treasurer shall ratify one (1) of the two (2) nominees to be a Member of the Board. Such Member shall serve until August 1, 2004. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four years.

(2) Each District Representative shall nominate two (2) individuals and submit their names to the Chief Executive. Within ten (10) calendar days after receipt of the nominations by the Chief Executive, the Chief Executive shall ratify one (1) of the two (2) nominees to be a Member of the Board. Such Members shall serve until August 1, 2006. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four years.

(3) The Secretary-Treasurer shall nominate two (2) individuals and submit their names to the Chief Executive. Within ten (10) calendar days after receipt of the nominations by the Chief Executive, the Chief Executive shall ratify one (1) of the two (2) nominees to be a Member of the Board. Such Member shall serve until August 1, 2004. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four years.

(4) If the Chief Executive or the Secretary-Treasurer do not ratify one from any of the nominations sent to them within the time prescribed, then the Band Assembly shall select such Member by majority vote.

(5) If any person does not submit a nomination within thirty (30) days after a vacancy has occurred, then the Band Assembly shall nominate two (2) individuals by majority vote and submit their names to the Chief Executive for ratification to the Board. The timing and process for such ratification are as stated in paragraphs (b)(1) and (b)(4) of this section.

(6) No member shall take office until swearing to the oath of office pursuant to 2 MLBSA section 8.

(c) **Qualifications.**

(1) Members shall be individuals who are of high moral character and integrity, who have a reputation for being honest, fair, objective, and who are recognized as possessing sound judgment.

(2) Members may not have been convicted of a felony or any gambling-

related offence.

(3) No fewer than three Members shall be members of the Band. There shall be at least one Board Member from each of the Band's three Districts.

(4) Members may not be employed by any Gaming Enterprise, nor may they gamble at any Gaming Enterprise.

(5) Members shall be subject to the Background Investigations and standards for Primary Management Officials.

**(d) Board Officers, Selection, Duties, Vacancies, Persons who shall not serve as Board Members, Removal.**

(1) **Officers.** The Board shall have a Chairperson, Vice-Chairperson, and a Secretary.

**(2) Selection.**

(A) **Chairperson.** The Chair of the Authority shall be determined by a majority vote of the Joint Session of the Band Assembly from one of the current Members, or, if there is a vacancy, the individual who is appointed to fill such vacancy.

(B) **Vice-Chairperson.** The Members shall select from among their members, by majority vote, a Vice-Chairperson.

(C) **Secretary.** The Board may select a Member or an employee of the Authority to act as Secretary of the Board. An employee acting as Secretary at the request of the Board is not a Board Member and has no powers of a Member.

**(3) Board Duties.**

(A) The Chairperson shall preside over meetings of the Board and the Vice-Chairperson shall preside over meetings of the Board in the absence of the Chairperson. The Secretary shall record in writing the minutes of all Board meetings and all official actions taken by the Authority, and shall notify all persons who by Section I of this Title require notification of such official actions.

(B) In carrying out any function under the provisions of Section I of this Title all Members shall be governed by the laws of the Band, general policies of the Authority and such regulatory decisions, findings, and determinations as the Authority may by law be authorized to make.

(C) Requests or estimates for regular, supplement, or deficiency appropriations on behalf of the Authority may be submitted to the Band Assembly by the Chairperson with the prior approval of the Board.

(D) The Chairperson shall delegate authority and assign duties to the Director of the Office of Business Regulation and Compliance sufficient to aid the Authority in fulfilling its regulatory responsibilities. Such assignment and delegation shall comply with Section I of this Title.

(E) Members shall serve part-time; however, the Board shall meet a minimum of once per month or more if necessary to fulfill their duties.

(F) Members shall attend one or more training seminars or courses related to gaming regulation per year during their terms of membership. Such seminars shall be paid by the Authority. Per diem and other travel expenses shall be paid at the rate of a Senior Executive Staff Band employee.

**(4) Vacancies in Memberships.**

(A) The Chairperson shall notify the Band Assembly and the Chief Executive of any vacancy on the Board of Directors at least thirty (30) days prior to the end of a term, or, in circumstances other than the end of a term, immediately upon the knowledge that a vacancy will occur.

(B) If there is a vacancy on the Board, then the vacancy shall be filled in the same manner as the vacating Member was originally appointed.

(C) Any Member, including the Chairperson, appointed to fill a vacancy shall serve for the remainder of the term left vacant; however, any Member may be re-appointed during this time period pursuant to paragraph (b) of this section.

**(5) Persons who shall not serve as Board Members.** The following persons shall not serve as Board Members:

(A) persons in the employ of, or holding any office in or having any business relation with, any business engaged in selling or manufacturing any gaming products or services;

(B) persons who own stocks or bonds in any business engaged in selling or manufacturing any gaming products or services;

(C) persons having any pecuniary interest whatsoever in any business engaged in selling or manufacturing any gaming products or

services;

(D) persons having any interest in any business engaged in commerce with or employed by the Corporate Commission. A Member may be engaged in other businesses, vocations, or employment, which do not create a conflict of interest with their duties;

(E) persons related to any Gaming Contractor licensed by the Authority, including any principal thereof or Closely Associated Independent Contractor; and

(F) the Chief Executive or members of the Band Assembly.

(6) **Removal from Membership.** Member may be removed by a supermajority vote of four (4) out of five (5) members of the Joint Session of the Band Assembly. The determination of the Joint Session is final and unappealable to the Court of Central Jurisdiction.

#### Historical and Statutory Notes

**Source:**

Band Ordinance 44-03, § 11(b)

### § 303. Organization

(a) **Meetings.**

(1) **Regular Meetings.** Regular meetings of the Board shall be held at least monthly and upon written notice. The dates of regular meetings shall be set by official action of the Board.

(2) **Special Meetings.** Special meetings of the Board may be called by the Chairperson with a minimum of forty-eight (48) hours written notice to the Board Members, by the Director with a minimum of forty-eight (48) hours written notice to the Chairperson, or by a majority vote of the Board with forty-eight (48) hours written notice to the Chairperson.

(3) **Other.** Either Regular or Special meetings may be called by petition of a majority of a quorum of the Board Members other than the Chairperson upon forty-eight (48) hours written notice to the Chairperson.

(b) **Quorum.** Three (3) members of the Board shall constitute a quorum.

(c) **Voting.**

(1) All actions of the Board shall be taken by majority vote.



(2) The Chairperson shall vote only in the following circumstances:

(A) to break a tie; and

(B) if necessary, to constitute a quorum in the absence of other Members.

**(d) Compensation.**

(1) **Board Meetings.** Members, including the Chairperson, shall be compensated with two-hundred and fifty dollars (\$250) per meeting, not to exceed five hundred dollars (\$500) in one month, except that in the case of a demonstrated emergency, the Chairperson may petition the Secretary-Treasurer for compensation for additional meetings. Mileage and other travel expenses will be compensated on the same terms and conditions as apply to Senior Executive Staff appointees as provided by Band law.

(2) **Training.** If Member are not Band government employees and are required to be absent from their employment to attend mandatory training pursuant to section 302(d)(3)(F) of this Title, then Members shall be compensated at their previously documented hourly rate of pay for each hour that they are in attendance at such training plus mileage and other travel expenses as stated in subparagraph (1) of this paragraph. If Members are Band government employees, then absence from employment will not be deducted from their accrued annual leave and they will be paid as if they were at work plus expenses as stated in subparagraph (1) of this paragraph.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 11(c)

**§ 304. General Powers and Duties of the Authority**

The Authority shall be responsible for ensuring that all Gaming Activities on Band Lands are carried out in compliance with the Indian Gaming Regulatory Act, Band Gaming Laws, the Compacts and other applicable law. To this end, the Authority shall exercise regulatory, not operational authority over any Gaming Enterprise and Charitable Gaming. All management and operational authority over any Gaming Enterprise shall remain with the Corporate Commission separate and distinct from the Authority. The Office of Gaming Regulation and Compliance shall provide staff and administrative support, and office space and equipment, which shall be separate and not under the authority of the Corporate Commission. The Authority may retain such consultants and enter into such contracts as it may deem necessary to carry-out its duties as specified in Section I of this Title; however, it shall not the hire employees of the Office of Business

Regulation and Compliance. In addition, as an agency of Band government, the Authority shall comply with all Band laws, including the Procurement Act, for all contracts including professional services contracts. The Authority may bring such actions as may be necessary to carry-out its duties, including but not limited to, the enforcement of Section I of this Title and other Band Gaming Laws.

#### Historical and Statutory Notes

**Source:**

Band Ordinance 44-03, § 11(d)(1)

### § 305. Regulations

(a) **Power and duty.** The Authority shall have the power and duty to develop, adopt and promulgate regulations regarding:

- (1) licensing of Gaming Enterprises;
- (2) licensing and Background Investigations of Key Employees and Primary Management Officials;
- (3) licensing and Background Investigations of Gaming Suppliers;
- (4) conducting annual independent audits of all gaming operations of the Band;
- (5) permitted games and the conduct thereof;
- (6) standards and criteria for gaming machines and for testing machines;
- (7) audio and video surveillance standards;
- (8) minimum internal cash, playing card, chip and token control standards and procedures for gaming operations;
- (9) procedures for compliance with the Bank Secrecy Act and applicable provisions of the Internal Revenue Code;
- (10) resolving gaming related disputes involving patrons and vendors of any Gaming Enterprise, after exhausting all remedies available at the Gaming Enterprise;
- (11) Charitable Gaming as provided in section 103(c) of this Title;
- (12) the prevention and cure of compulsive gambling as provided in Chapter 8 (§§ 701 - 706) of this Title;

(13) the development and maintenance of a list of excluded Persons as provided in section 312 of this Title;

(14) related reporting, record-keeping, auditing, investigation and enforcement procedures;

(15) dispute resolution procedures, including OGR&C employee appeals;

(16) reasonable fines and other penalties for violations of Section I of this Title, Band gaming laws, the IGRA, the Compacts and other applicable law; and

(17) other activities as required by law.

**(b) Rulemaking Process.**

(1) The Authority shall promulgate the regulations authorized by this section 305 with or without hearing according to the notice and comment process specified herein.

(2) **Notice of intent to adopt.** The Authority shall give notice of its intent to adopt a regulation by posting a copy of the notice in the Band Government Center and the Community Centers in Districts II and III, and by delivering a copy of the notice by U.S. mail or other appropriate means to the Chief Executive, the Speaker of the Band Assembly, the Solicitor General, the Commissioner for Administration; the Corporate Commissioner; and the manager of any Gaming Enterprise. The notice shall include a copy of the proposed regulation and a description of the nature and effect of the proposed regulation. In addition, the notice shall include the following statements:

(A) comments may be submitted on the proposed regulation no later than thirty days from the date of the notice; and

(B) the proposed regulation may be modified if supported by the data and views submitted.

(3) **Review, adoption, notice of adoption.** The Authority shall review all comments received during the comment period, shall make such changes to the proposed regulation as it deems reasonable and appropriate, and shall approve the regulation by resolution. The Authority shall, by official action, set the effective date of the regulation and publish and post copies of a notice of adoption of the regulation in the same manner as for the notice of intent to adopt the regulation. The notice of adoption shall summarize the final regulation and the changes to the proposed regulation, state the effective date, and announce that free copies of the regulation are available from the Authority. In addition, copies of the notice and the final regulation shall be delivered by U.S. mail or other appropriate means to

all Persons who were sent a copy of the notice of intent.

(4) **Adoption is a compliance determination.** Approval of any regulation by the Authority shall be considered a Compliance Determination for purposes of effecting an appeal pursuant to Chapter 6 (§§ 501 - 503) of this Title.

(c) **Initial Detailed Gaming Regulations.** The Authority shall adopt a set of Initial Detailed Gaming Regulations within 180 days after the first meeting of all of the members of the first Authority Board. Upon approval by the Band Assembly, such regulations shall supersede those currently codified at 15 App. section 1.001 through section 18.004 of the MLBSA.<sup>1</sup> The Initial Detailed Gaming Regulations shall adopted pursuant to paragraph (b) of this section, except that the Joint Session of the Band Assembly may act to annul such regulations in whole or in part within sixty (60) days of receipt by the Joint Session. Thereafter, any gaming regulation may be annulled by statute. The regulations currently codified will remain in effect until the sixty-day annulment period has lapsed, or for regulations annulled by the Joint Session, until the Joint Session has granted final approval.

#### **Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 11(d)(2)

### **§ 306. Monitoring and Investigation**

(a) **General.** The Authority shall have the power and duty to monitor and investigate:

(1) all Gaming Enterprises for compliance with the IGRA, Band Gaming Laws, the Compacts and other applicable law and to undertake such related investigations and enforcement actions as it deems necessary, including, but not limited to, investigating and evaluating the effectiveness of the Mille Lacs Band gaming regulatory system;

(2) to help resolve all gaming related patron and vendor complaints that have not been resolved by agreement of a complainant and the Gaming Enterprise;

(3) prior to levying fines, granting, denying or suspending licenses;

(4) to assure compliance with the rules concerning Charitable Gaming;

(5) to assure compliance with compulsive gambling cure and prevention

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<sup>1</sup>**Note:** The regulations have been removed from the MLBSA during re-codification.

requirements;

(6) to develop, maintain and enforce a list of Persons to be excluded from Gaming Enterprises;

(7) and take any and all other similar action it deems to be necessary or desirable to carry out the powers and duties granted by this section.

**(b) Scope of investigations and related activities.** Any investigations and related activities, including, but not limited to electronic and non-electronic searches of credit histories, arrests, and judgements, and electronic surveillance shall be strictly limited to official Authority duties under law. All such investigations and related activities may be undertaken only after review by legal counsel that the scope and subject of any such activities complies with Section I of this Title and other applicable law. Individuals who perform investigations and related activities outside the scope of Section I of this Title and other applicable law are subject to immediate dismissal and reasonable fines.

**(c) Access.** The Authority shall have access to all books, files, records, reports, and other data regarding the operation of all Gaming Enterprises, whether in written or electronic form, as it deems necessary or desirable to carry out its legitimate regulatory duties.

**(d) Surveillance.** The Surveillance Department shall be under the control and supervision of the Authority; however, a Gaming Enterprise shall have access to electronic surveillance output as further defined in the Detailed Gaming Regulations.

**(e) Cooperation of the Gaming Enterprises with the Authority.** The Authority may:

(1) require associates of any Gaming Enterprise to compile and provide such data and to testify as to matters within their knowledge concerning the operation of the Gaming Enterprise; and

(2) require the associates of any company that is managing a Gaming Enterprise on behalf of the Corporate Commission, or any other Person within the jurisdiction of the Band to comply and provide such data and to testify as to matters within their knowledge concerning the operation of the Gaming Enterprise.

#### **Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 11(d)(3)

### **§ 307. Licensing**

(a) **General.** The Authority shall promulgate regulations for granting, suspending, and revoking licenses, which are consistent with Band law, the IGRA, and the Compacts regarding matters of licensure.

(b) **Minimum Licensing Requirements.** It is the policy of the Band that all Gaming Activities and Enterprises be licensed and controlled so as to protect the morals, good order, and welfare of Band members and other persons on Band lands and to preserve the honesty, fairness and integrity of such gaming activities. Accordingly, no person shall engage in any class II or class III Gaming Activities on Band Lands without an appropriate and valid independent class II or class III license issued by the Authority. In addition, the Authority shall issue a separate license to each place, facility, or location on Band Lands where the Band elects to allow class II or class III gaming. The Authority shall perform background investigations and issue licenses for key employees and management officials according to requirements that are at least as stringent as those in 25 C.F.R. parts 556 and 558 which are hereby incorporated into Section I of this Title, unless otherwise superceded pursuant to an agreement with the NIGC. No license shall be issued that would place the Band in violation of applicable law or the Compacts.

(c) **Mandatory Licensing Application Provisions and Procedures.**

(1) **Notices to applicants.**

(A) **Privacy Notice.** The Authority shall place the following notice on the application form for a key employee or a primary management official before that form is filled out by an applicant:

*In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official of key employee position.*

*The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.*

(B) The Authority shall place the following notice on the application form for a key employee or a primary management official before that form is filled out by any applicant.

*A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).*

(C) If there exists any key employees or primary management officials who have filled out forms which did not contain the notice stated in subparagraph (B) of this paragraph, then the Authority shall notify in writing such employees and officials that they shall either:

(i) Complete a new application form that contains a notice regarding false statements; or

(ii) Sign a statement that contains the notice regarding false statements.

(2) **Information required from an applicant.** Each application for key employees and primary management officials shall request from each applicant the following information set forth at 25 C.F.R. section 556.4(a)(1)-(14).

(A) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

(B) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses and residence addresses, and drivers license numbers;

(C) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under subparagraph (B) of this paragraph;

(D) Current business and residence telephone numbers;

(E) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

(F) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

(G) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

(H) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;

(I) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;

(J) For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to subparagraphs (H) or (I) of this paragraph, the criminal charge, the name and address of the court involved and the date and disposition;

(K) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

(L) A photograph;

(M) Any other information the Authority deems relevant; and

(N) Fingerprints consistent with procedures adopted by the Band according to 25 C.F.R. section 522.2(h).

**(3) Mandatory Licensing Procedures.**

(A) **Fingerprints.** Fingerprints of each applicant for the position of key employee or primary management official will be taken by the Mille Lacs Department of Justice and sent to Minnesota Gambling Enforcement in accordance with the Tribal-State Compact. Minnesota Gambling Enforcement will send the fingerprint cards to the FBI for a check of criminal history records information maintained by the FBI and return the results back to the Band.

(B) **Reporting to the NIGC.**



(i) When the Band employs a primary management official or a key employee, the Band shall forward to the Commission a completed application containing the information listed under section 556.4(a)(1)-(13) of 25 C.F.R.

(ii) Before issuing a license to a primary management official or to a key employee, a tribe shall forward to the Commission an investigative report on each background investigation. An investigative report shall include all of the following:

- a.* Steps taken in conducting a background investigation;
- b.* Results obtained;
- c.* Conclusions reached; and
- d.* The bases for those conclusions.

(iii) When the Band forwards its report to the Commission, it shall include a copy of the eligibility determination made under 25 C.F.R. part 558.2.

(iv) If the Band does not license an applicant

- a.* The Band shall notify the Commission; and
- b.* May forward copies of its eligibility determination under 25 C.F.R. part 558.2 and investigative report (if any) under 25 C.F.R. part 556.5(b) to the Commission for inclusion in the Indian Gaming Individuals Record System.

(v) When a key employee of a primary management official begins work at a gaming operation the Band shall:

- a.* Forward to the Commission a completed application for employment that contains the notices and information listed in 25 C.F.R. parts 556.2, 556.3, and 556.4; and
- b.* Conduct a background investigation under 25 C.F.R. part 556 to determine the eligibility of the key employee or primary management official for continued

employment in a gaming operation.

(vi) Upon completion of a background investigation and a determination of eligibility for employment in a gaming operation under 25 C.F.R. 558.3(a)(2), the Band shall forward a report under 25 C.F.R. 556.5(b) to the Commission within 60 days after an employee begins work or within 60 days of the Chairman's approval of an ordinance under 25 C.F.R. part 523. A gaming operation shall not employ a key employee or primary management official who does not have a license after 90 days.

(vii) During a 30-day period beginning when the Commission receives a report submitted under 25 C.F.R. 558.3(b), the Chairman may request additional information from a tribe concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period until the Chairman receives the additional information.

**(C) Granting a gaming license.**

(i) If, within the 30-day period described in 25 C.F.R. 558.3(c) of this part, the Commission notifies the Authority that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Band has provided an application and investigative report to the Commission pursuant to 25 C.F.R. parts 558.3(a) and (b), the Band may go forward and issue a license to such applicant.

(ii) If, within the 30-day period described in 25 C.F.R. part 558.3(c), the Commission provides the Authority with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the tribe has provided an application and investigative report to the Commission pursuant to 25 C.F.R. parts 558.3(a) and (b), the Authority shall reconsider the application, taking into account the objections itemized by the Commission. The Authority shall make the final decision whether to issue a license to such applicant.

**(D) License Suspension.**

(i) If, after the issuance of a gaming license, the Commission receives reliable information indicating that a key employee or a primary management official is not eligible for employment under 25 C.F.R. part 558.2, the Commission shall notify the Authority that issued a gaming license.

(ii) Upon receipt of such notification under subparagraph (I) of this paragraph, the Authority shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

(iii) The Authority shall notify the licensee of a time and a place for a hearing on the proposed revocation of a licensee.

(iv) After a revocation hearing, the Authority shall decide to revoke or to reinstate a gaming license. The Authority shall notify the Commission of its decision.

(E) **Standard for license denial.** If the Authority, in applying the standards adopted in this ordinance, determines that employment of a person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Authority shall not employ that person in a key employee or primary management official position.

(d) **Licensing a privilege.** Any gaming license, or finding of suitability or approval, which is issued by the Authority, shall be deemed a privilege subject to suspension or revocation.

(e) **Burden on Applicant.** The burden of proving an applicant's qualification to receive any license hereunder is at all times on the applicant. Applicants must accept any risk of adverse public notice, embarrassment or other action which may result from the application process and expressly waive any claim for damages as a result thereof.

(f) **Applicant Claim of Privilege.** An applicant may claim any privilege afforded by law in connection with a gaming license application or investigation, but a claim of privilege with respect to any testimony or evidence pertaining thereto may constitute sufficient grounds for denial, suspension or revocation.

(g) **Release of Information.** All persons applying for a license shall agree to release all information necessary in order for the Authority to achieve its goals under Section I of this Title, and to furnish such information to the Bureau of Indian Affairs, the National Indian Gaming Commission, or such other governmental agency as may be required by law or the Compact.

(h) **License Investigations.** The Authority may employ all reasonable means, including engaging outside services and investigators, and convening hearings, to acquire the information necessary to determine whether or not a license should be issued, suspended or revoked. Applicants and licensees shall also agree to release all information necessary in order for the Authority to achieve its goals under this section and to furnish

such information to the Authority, the National Indian Gaming Commission or other agency as may be required by law or the Compact. In conducting a background investigation, the Authority and its agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

(i) **License Fees.** All Gaming Enterprises or persons applying for a license or the gaming enterprise associated with the license applicant shall be required to pay all applicable license fees and costs when due, including a reasonable deposit for costs incurred in obtaining information in connection with the license application, unless specifically waived in advance by the Authority. Estimates of licensing costs shall be provided to applicants within a reasonable period of time after a request is made. The Authority prior to issuing of the license must receive all fees and costs, unless otherwise provided for in advance. Such fees shall be included in the Initial Detailed Gaming Regulations.

(j) **Appeals.** All customers, vendors, licensees, and persons who have been denied a license, or had their license suspended or revoked, may appeal pursuant to the procedures detailed in Section I of this Title and the Detailed Gaming Regulations.

#### **Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 11(d)(4)

### **§ 308. Compliance Determinations**

The Authority shall convene to consider a Compliance Recommendation within ten (10) days of its receipt from the Director as required by section 402(b) of this Title, unless, only for issues of licensing, the Authority has received notice of intent to appeal directly to the Court of Central Jurisdiction from the person who has received notice of an adverse licensing recommendation. In addition to the Compliance Recommendation, the Authority may consider any oral or written comments offered by the parties that the Authority deems to be relevant. The Authority may consider any additional information it determines to be necessary and appropriate to reaching a determination. All information considered by the Authority shall become part of the official record of the proceedings. Based on substantial evidence contained in the official record, the Authority shall make a Compliance Determination by accepting, rejecting or modifying the Compliance Recommendation. The Authority shall clearly state on the record its decision and the reasons therefor. Compliance Determinations shall be effective on the date made, unless the Authority establishes a different effective date. In arriving at any Compliance Determination, the Authority may employ the services of a Hearing Examiner to either make a recommendation for a Compliance Determination or to issue a Compliance Determination on behalf of the Authority.

#### **Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 11(d)(5)

**§ 309. Independent Audits**

Annual outside auditing by a recognized independent accounting firm shall be conducted of each Gaming Activity for compliance with Band gaming laws, the IGRA, and the Compacts, and the results thereof reported to the Chief Executive, the Band Assembly, and to the extent required by law, the Bureau of Indian Affairs and the National Indian Gaming Commission or another entity. In addition, such audits shall include all contracts related to class II or III gaming, which are in excess of \$25,000, and any other contract of a lesser amount at the discretion of the Authority.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 11(d)(6)

**§ 310. Enforcement**

Any enforcement action taken shall be fair and reasonable under the circumstances, shall be proportionate to the violation, and shall be designed to promote the goals of correction and improvement, unless the violation is such that correction and improvement is not possible. Any enforcement action taken by the Authority must be related to its gaming regulatory function. Any such enforcement action shall be considered to be a Compliance Determination and as such, is appealable pursuant to Chapter 6 (§§ 501 - 503) of this Title. In a manner provided by regulation, the Authority may hold such hearings, make such findings, and issue such orders as may be necessary to enforce Band Gaming Laws, the IGRA, the Compacts and other applicable law, including but not limited to:

(a) revoking or suspending any license issued to an individual, Gaming Supplier, or Gaming Enterprise as allowed by this Act;

(b) imposing civil fines reasonably proportionate to the activity being punished. Such monies shall be deposited in the Band's general fund. A fine schedule including minimum and maximum fine amounts shall be included in the Initial Detailed Gaming Regulations; and

(c) adding a Person to a list of Persons excluded from Gaming Enterprises.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 11(d)(7)

**§ 311. Limitations on Actions**

Any enforcement action of Authority or order of the Court of Central Jurisdiction pursuant to any appeal shall be limited as follows:

(a) The Authority is not authorized to order the cessation of operations of a Gaming Enterprise. Such an order for cessation of operations of a Gaming Enterprise may only occur upon:

(1) recommendation by majority vote of the Authority to the Joint Session of the Band Assembly that a Gaming Enterprise be closed citing the specific cause for which closure is being recommended and the conditions under which the cause of closure shall be determined remedied, thereby allowing the reopening of the Gaming Enterprise; and

(2) a Super-majority vote of four (4) out of five (5) members of the Joint Session of the Band Assembly ordering closure of a Gaming Enterprise citing the specific cause for which closure is being recommended and the conditions under which the cause of closure shall be determined remedied, thereby allowing the reopening of the Gaming Enterprise.

(b) All claims by patrons against a Gaming Enterprise shall be limited to a maximum recovery of \$10,000 per claim and a cumulative limit of \$20,000 per patron per year regardless of the number of claims.

(c) All claims by Vendors or Gaming Suppliers against a Gaming Enterprise shall be limited to the amount of the contract between the Vendor or Gaming Supplier and the Gaming Enterprise that is the subject matter of the claim. However, this provision is subject to the existence of an effective waiver of sovereign immunity pursuant to Band statutes. Under no circumstances shall punitive or other damages, costs, and fees be ordered.

(d) All claims involving denial, suspension or revocation of a gaming license shall be limited to an award of specific performance of granting or reinstating such license. No monetary award shall be awarded on a license claim.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 11(d)(8)

**§ 312. Excluded Persons**

(a) **Exclusion List; Creation; Effect.** Subject to the criteria and procedures of this section, the Authority shall establish and maintain an Exclusion List. Individuals whose names appear on the Exclusion List shall not be allowed to enter any Gaming Enterprise or participate in any class II or class III Gaming operated by any Gaming

Enterprise whether on behalf of the Band or an Indian Charitable Organization.

(b) **Duty to Exclude.** It shall be the duty of the Commissioner and the manager of each Gaming Enterprise to exclude or eject from a Gaming Enterprise any Person whose name appears on the Exclusion List. Any associate of a Gaming Enterprise who knows or has reason to know that an excluded Person has entered or is attempting to enter a Gaming Enterprise shall be responsible for notifying appropriate staff and taking such other action as is within the scope of the associate's authority and responsibility to exclude or eject such Person.

(c) **Distribution and Availability of Exclusion Lists.** The Authority shall maintain a list of Persons to be ejected or excluded from Gaming Enterprises. It shall be the duty of the manager of each Gaming Enterprise to inform the Commissioner in writing of the name of each Person who the manager reasonably believes meets the criteria for placement on the Exclusion List as established by paragraph (d) of this section. The Commissioner, in turn, will provide such names to the Director. The list shall be distributed to each Gaming Enterprise. The list shall be made available to law enforcement agencies if properly subpoenaed or upon request based upon a documented law enforcement need for the list. The following information, to the extent known, shall be provided for each excluded Person:

- (1) the full name, date of birth, and all alias;
- (2) a physical description;
- (3) the effective date the Person's name was placed on the list;
- (4) a photograph, if available;
- (5) the Person's occupation and his current home and business address;
- (6) the specific reason for exclusion;
- (7) the date, if any, exclusion will expire; and
- (8) such other information as may be deemed necessary by the Director or the Authority.

(d) **Criteria for Exclusion or Ejection and Placement on an Exclusion List.** The Authority may, based upon the recommendation of the Director, or the Director by Emergency Enforcement Order subject to the provisions of section 402(c) of this Title, place a Person on the Exclusion List pending a hearing by the Authority if:

- (1) such Person has been convicted of a felony in any jurisdiction, any crime that brings into question the person's honesty and integrity, including, but not limited to shoplifting, theft, robbery, burglary, embezzlement, conspiracy to

commit a crime, or of a gambling related crime;

(2) such Person has violated or conspired to violate any provisions of the Indian Gaming Regulatory Act, Band Gaming Laws, the Compacts and other applicable law;

(3) such Person has a notorious or unsavory reputation which would adversely affect public confidence and trust in gaming. The list of which acts constitute such reputation shall be included in the Initial Detailed Gaming Regulations;

(4) his or her name appears on any valid and current Exclusion List from another jurisdiction and the reason for exclusion from such other jurisdiction would also be likely to cause exclusion from Band Gaming Enterprises;

(5) pursuant to section 706 of this Title, the Person requests to be excluded, by means which allows the Authority to positively identify the person, due to a demonstrable gambling problem.

**(e) Procedure for Entry of Names.**

(1) The Director of the Office of Business Regulation and Compliance shall investigate all matters concerning whether or not a Person should be placed on the Exclusion List. Upon a determination that a Person satisfies any of the criteria listed in paragraph (d) of this section the Person shall be deemed a candidate for exclusion, and the Director shall prepare and submit a Compliance Recommendation as to whether the Person's name should be added to the Exclusion List and forwarded to the Authority for action. Such recommendation shall include the identity of the candidate and the nature and scope of the circumstances or reasons that such Person should be placed on the Exclusion List. Pursuant to section 402(b)(2) of this Title, notice of the recommendation must be given to the Person who is the subject of the recommendation and that Person must be informed of the opportunity to offer oral or written testimony to the Authority concerning the recommendation.

(2) If the Authority or subsequent review by Court of Central Jurisdiction finds in favor of the candidate or excluded Person, then his or her name shall be removed from the excluded list and his or her exclusion shall be terminated as of the date of the action by the Authority or the Court of Central Jurisdiction. If the finding is against the candidate or excluded Person, then his or her name shall be placed on the Exclusion List. If no hearing is requested, then the Person's name shall be placed on the Exclusion List. The Authority may place a Person on the Exclusion List either permanently or temporarily. If a Person is placed on the Exclusion List temporarily, then the Authority shall clearly state the period of time that the Person will be on the Exclusion List.



(f) **Removal from the Exclusion List.** Any Person who has been placed on the Exclusion List may petition the Authority in writing, not more frequently than annually, that his or her name be removed from the list.

(g) **Confidential Data.** The Exclusion List shall be classified as Confidential Limited Availability Data.

(h) **Immediate Removal of Disorderly Persons.** A Gaming Enterprise may immediately remove and bar re-entry of any Person who engages in, or is reasonably believed likely to engage in, disruptive, unruly, or any other behavior which presented a danger to the health, welfare, morals, or the public peace. The manager of the Gaming Enterprise may seek to have such a removed and barred individual placed on the Exclusion List.

#### **Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 11(d)(9)

### **§ 313. Regulatory Role**

The Authority is to serve in a regulatory role, not in an operations role in connection with Gaming Activities conducted by any Gaming Enterprise. The scope of the Authority's authority is limited strictly to the powers and duties specifically enumerated in sections 304 to 313 of this Title.

#### **Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 11(d)(10)

### **§ 314. Budget**

The Authority and the Office of Gaming Regulation and Compliance (OGR&C), as established in Chapter 5 (§§ 401 - 403) of this Title, shall have budget and expenditure authority independent of gaming operations. Funding for the Authority and OGR&C shall be adequate to allow the Authority and OGR&C to perform the task of gaming regulation. Such funding for the Authority and OGR&C shall conform to Band appropriation laws and shall not be reliant on the discretion of any management official of a Gaming Enterprise who is subject to regulation of the Authority.

#### **Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 11(e)

**CHAPTER 5**  
**OFFICE OF GAMING REGULATION AND COMPLIANCE**  
**(OGR&C); DIRECTOR OF GAMING REGULATION AND**  
**COMPLIANCE**

**Section**

- 401. Establishment; Appointment; Qualifications; Removal and Suspension.
- 402. Powers and Duties
- 403. Regulatory Role

**§ 401. Establishment; Appointment; Qualifications; Removal and Suspension**

(a) **Establishment.** There is hereby established the Office of Gaming Regulation and Compliance (“OGR&C”) which shall be under the management and supervision of the Director, but subject to the ultimate control of the Authority Board.

(b) **Appointment of the Director.** The Director shall be appointed by the Board by majority vote and shall report to the Board as the Board requires.

(c) **Qualifications.** The Director shall possess the following qualifications:

(1) experience and training in management and regulatory enforcement of sufficient scope, depth and relevancy to enable him/her to direct the work of the OGR&C;

(2) high moral character with no conviction for a felony or any gambling-related offense;

(3) freedom from any conflict of interest created by outside business interest or occupation; and

(4) licensure as a Primary Management Official.

(d) **Removal, suspension.** The Director may be removed for cause as manifest by a Super-majority vote of four (4) out of five (5) of the Board Members including the Chairperson. In addition, if the Director is charged in any competent jurisdiction with a felony or any gambling related crime, the Chairperson shall immediately suspend the Director with or without pay until the charges have been resolved.

(e) **Vacancy.** If there is a vacancy for any reason, then the Chairperson shall immediately appoint a Interim Director, until the Board convenes to appoint a Director.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 12(a)

## **§ 402. Powers and Duties**

### **(a) Director.**

(1) **Staff.** The OGR&C shall provide staff, administrative and office support to the Authority. The Director shall appoint one or more Gaming Compliance Officers, to whom he or she may delegate certain duties of the Director, and hire such other employees or consultants as may be necessary to perform the duties as set forth herein. All employee suspensions and terminations are appealable to the Authority Board.

(2) **Day-to-day operations.** The Director shall be responsible for the day-to-day operations of the OGR&C, subject to the authority of the Board, including:

(A) enforcement of all applicable gaming laws and regulations at all Gaming Enterprises;

(B) investigations of any matter within the scope of authority of the Authority as described in Chapter 4 (§§ 301 - 314) of this Title, including but not limited to performing or causing to be performed background investigations necessary to determine if any applicant for a Primary Management Official, Key Employee or Gaming Supplier license required by this Act, or the gaming regulations adopted by the Authority, meets the applicable licensure criteria;

(C) assisting the Authority in defending all decisions where an adversely impacted license applicant files an appeal to such adverse decision.

(D) investigating and evaluating the effectiveness and efficiency of the Mille Lacs Band gaming regulatory system and recommending changes;

(E) investigating and monitoring all Gaming Enterprises for compliance with the IGRA, Band Gaming Laws, the Compacts and other applicable law upon receiving any credible report of a violation of gaming statutes or regulations, or at random or periodic intervals, with or without prior notification to the management or associates of the subject Gaming Enterprise;

(F) investigating all gaming related patron and vendor complaints concerning a Gaming Enterprise that have not been resolved between the complainant and the Gaming Enterprise after full exhaustion of attempts

to amicably settle the matter and make a Compliance Recommendation to the Authority concerning the matter;

(G) investigating and monitoring all Gaming Enterprises for compliance with compulsive gambling cure and prevention requirements;

(H) investigating and monitoring for compliance with all rules concerning Charitable Gaming;

(I) investigating, monitoring and assisting in all matters concerning the maintenance and enforcement of a list of Persons to be excluded from Gaming Enterprises;

(J) at the request of the Authority, assisting the Authority in:

(i) the execution of any authorized enforcement actions;

(ii) the preparation and defense of any appeal taken from any Compliance Determination; and

(iii) the preparation of the annual budget which is to be submitted to the Band Assembly for direct appropriation for Authority activities; and

(K) hiring and supervising the Gaming Compliance Officers and other personnel of the OGR&C.

(3) **Access to data and files of any Gaming Enterprise.** The Director shall have access to all areas, records, files and data of any Gaming Enterprise, and may interview any associate of any Gaming Enterprise with respect to matters relating to the operation of any Gaming Enterprise without first notifying the associate's supervisor or any other employee of any Gaming Enterprise, and shall have access to the results of Background Investigations carried out pursuant to Chapter 4 (§§ 301 - 314) of this Title or the gaming regulations adopted by the Authority.

(4) **Gaming Compliance Officers.** Gaming Compliance Officers shall be considered Key Employees for purposes of Background Investigations and licensing. Gaming Compliance Officers shall be responsible for performing investigations and otherwise assisting the Director in carrying out the duties specified herein. The Director may delegate to Gaming Compliance Officers any of the Director's powers and duties, except the power to appoint Gaming Compliance Officers.

(5) **Security of records and access to offices.** The OGR&C shall take all measures necessary to safeguard and track records. In addition, access to the

offices of the OGR&C shall be strictly controlled to assure security and maintain adequate separation of gaming regulation and gaming operations.

**(b) Compliance Recommendations, notice, time and content.**

(1) **Compliance Recommendation.** The Director shall submit a Compliance Recommendation to the Board Members and the persons stated in subparagraph (2) of this paragraph, which shall summarize the facts and state whether or not the license should be granted, suspended, or revoked, whether or not the documented practices and procedures satisfy the relevant statutes and regulations, and recommend appropriate corrective, enforcement, or other responsive action.

(2) **Notice, time, content.** The Director shall submit the written Compliance Recommendation within five (5) days to each Board Member, the Corporate Commissioner, the licensee or license applicant if the Compliance Recommendation involves a license denial, suspension, or revocation, and any vendor or patron who is the subject of a Compliance Recommendation for each investigation carried out pursuant to section 307(h) of this Title. The notice shall state that the Compliance Recommendation will be heard by the Authority Board prior to issuance of a Compliance Determination pursuant to section 308 of this Title and contain a copy of the Authority's procedures for issuing of a Compliance Determination. In addition, the notice shall state that all parties have the right to counsel at the party's own expense, the right to appear before the Authority, the right to review the record upon which the initial Compliance Recommendation was made, and may supplement the record with additional information if deemed relevant by the Board.

(c) **Emergency Enforcement Orders.** If the Director finds that there is an immediate threat to Band assets, or that probable cause exists to believe that a crime has been, or is about to be committed, the Director may, by emergency order, immediately impose any legitimate regulatory enforcement and/or corrective action within the scope of the Authority's authority which is proportional to the harm such emergency order seeks to remedy. Emergency orders shall be in writing, and the Director shall immediately forward any such order, along with a supporting Compliance Recommendation to the Authority and the Corporate Commissioner in the manner provided by section 312(d) of this Title. The Authority shall act on any such order and Compliance Recommendation in the same manner as provided in section 312(e) of this Title, except that it shall convene to consider the order and Compliance Recommendation within three (3) days of having received the emergency order and supporting Compliance Recommendation. In any such proceeding, the Compliance Determination of the Authority shall supersede the Director's emergency order.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 12(b)

**§ 403. Regulatory Role**

The OGR&C is to serve in a regulatory role, not in an operations role. As such, the scope of the Director's authority is limited strictly to the powers and duties specifically enumerated in Chapter 5 (§§ 401 - 403) of this Title and to those powers and duties specifically granted to the Authority in Chapter 4 (§§ 301 - 314) of this Title, which have been specifically delegated to the Director by the Authority, including those limitations of actions described in section 311 of this Title.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 12(c)

**CHAPTER 6  
APPEALS**

**Section**

- 501. Who may Appeal
- 502. Effecting an Appeal
- 503. Procedure on Appeal; Standard of Review

**§ 501. Who may Appeal.**

(a) A Person who has been denied reversal of an adverse Compliance Recommendation or denied any other relief requested from the Authority may appeal such Compliance Determination or final enforcement order to the Court of Central Jurisdiction.

(b) A Person who has received a Compliance Recommendation that recommends a license denial, suspension, or revocation may directly appeal to the Court of Central Jurisdiction. If a person takes such action, then he or she waives any right to receive a Compliance Determination from the Authority.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 13(a)

**§ 502. Effecting an Appeal**

Any appeal shall be filed with the Court of Central Jurisdiction and must be filed within twenty (20) days after the date of the issuance of a Compliance Determination,

final order, or a Compliance Recommendation that denies, suspends, or revokes a license.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 13(b)

**§ 503. Procedure on Appeal; Standard of Review**

(a) The Court of Central Jurisdiction shall sit without a jury, confine its review to the Authority record, and apply an abuse of discretion standard. The filing of briefs and oral argument must be made in accordance with the Band rules governing civil cases.

(b) The Court of Central Jurisdiction may affirm the Compliance Determination or order of the Authority, or it may remand the case for further proceedings, or reverse the Compliance Determination or order if the substantial rights of the petitioner have been prejudiced because the decision is:

- (1) in excess of the statutory authority or jurisdiction of the Authority;
- (2) made upon unlawful procedure;
- (3) unsupported by any evidence; or
- (4) plainly in error.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 13(c)

**CHAPTER 7  
DATA PRIVACY**

**Section**

- |      |                          |
|------|--------------------------|
| 601. | General Rule             |
| 602. | Confidential Data        |
| 603. | Temporary Classification |
| 604. | Information Sharing      |

**§ 601. General Rule**

All Authority Data shall be public unless classified by a Band statute, regulation or order, or by federal law, as Confidential Data. The Authority shall adopt and

promulgate detailed and thorough rules pursuant to data privacy in its Initial Detailed Gaming Regulations.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 14(a)

**§ 602. Confidential Data**

(a) **Confidential Limited Availability Data.** The following Authority Data shall be Confidential Limited Availability Data under these restrictions:

(1) Background Investigations Information; available only in a case where information revealed through a Background Investigation is, in whole or in part, the basis for an adverse decision regarding a license applicant or license renewal. The information contained in such Background Investigation shall be made available to the license applicant or the Person seeking license renewal if so requested;

(2) Confidential Financial Information;

(3) Compliance Recommendations Information; available only to the extent that the Authority adopts a Compliance Recommendation or accepts the record developed by the Director supporting a Compliance Recommendation, all information so accepted or relied upon shall be public;

(4) Personnel Data; and

(5) whether or not a Person is on the Exclusion List; however, limited only to the receipt of such information by the Person who is on the Exclusion List or his/her agent pursuant to 25 C.F.R. section 515.8.

(b) **Confidential Restricted Availability Data.** The following Authority Data shall be Confidential Restricted Availability Data under these regulations:

(1) Financial Information on a Gaming Enterprise;

(2) Information on a Pending Compliance Recommendation;

(3) Information on a Pending License Application;

(4) Security Information; and

(5) Trade Secret Information.



**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 14(b)

**§ 603. Temporary Classification**

(a) **Authority.** The Authority may, on its own motion or at the request of the Director, temporarily classify Authority Data as Confidential Data if it determines that:

(1) the data for which the temporary classification is sought has been treated as private or confidential by the Corporate Commission or other agencies of Mille Lacs Band Government or by the federal government; or

(2) a compelling need exists for immediate temporary classification, which if not granted could adversely affect the public interest or the health, safety or well-being of the subject of the data.

(b) **Ratification.** No later than July 1 of each year the Authority shall submit all temporary classifications then in effect to the Corporate Commissioner for review. The Corporate Commissioner may comment on the classification and the Authority shall consider the comments of the Corporate Commissioner in reaching its decision. If the Corporate Commissioner fails to act by July 1 of the year following the submission of a temporary classification hereunder, then the classification shall thereupon expire.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 14(c)

**§ 604. Information Sharing**

The Authority may, on its own motion or at the request of the Director, share information with any regulatory agency of another gaming jurisdiction or any law enforcement agency where it is determined that sharing such information is in the best interest of the Band, where the agency with whom the information is to be shared assures that the shared information will remain confidential, if the other gaming jurisdiction agrees to share such information with the Band, and if sharing the information is not contrary to any applicable law.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 14(d)

## **CHAPTER 8 COMPULSIVE GAMBLING**

**Section**

- 701. Policy
- 702. Program Content and Responsibility
- 703. Counseling Resources; Referrals
- 704. Associate Training
- 705. Patron Information and Education
- 706. Exclusion

### **§ 701 Policy**

While gambling is an enjoyable form of entertainment for most people, the Mille Lacs Band recognizes that some people may have difficulty with keeping their gambling within reasonable limits. The Band is committed to helping these people to deal constructively with their actual or potential gambling problems, and in furtherance of this goal it has established the Mille Lacs Problem Gambling Prevention Program described in this section.

#### **Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 15(a)

### **§ 702. Program Content and Responsibility**

The Problem Gambling Prevention Program shall consist of the following elements: (1) a referral system; (2) associate training; (3) patron information and education; and (4) exclusion. The Director, in consultation with the Commissioner of Corporate Affairs subject to the review and approval of the Authority, shall develop and update as necessary a Problem Gambling Prevention Program. The Commissioner, subject to the oversight of the Director, shall implement the program in all Gaming Enterprises.

#### **Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 15(b)

### **§ 703. Counseling Resources; Referrals**

The referral system of the Problem Gambling Prevention Program shall be based on a current, computerized directory of organizations and individuals that have a reputation for providing effective assistance for individuals with gambling problems. The system shall include a process for referring patrons who seek help with such

problems to resources listed in the directory and for encouraging them to take advantage of such resources.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 15(c)

**§ 704. Associate Training**

Problem Gambling Prevention Training shall be provided to all casino associates who have regular contact with patrons. This training program, which shall be provided as part of the associate orientation program and require subsequent periodic in-service refreshers, shall include but not be limited to the following:

- (a) a description of the Problem Gambling Prevention Program;
  - (b) the nature, extent and effects of compulsive gambling;
  - (c) how to recognize the warning signs of potential and actual gambling problems;
- and
- (d) techniques for intervening constructively with problem gamblers.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 15(d)

**§ 705. Patron Information and Education**

(a) Patrons shall be provided information on the Problem Gambling Prevention Program by signs and in promotional materials as provided in this section.

(b) **Signs.** Signs that clearly and in plain language inform patrons about how to obtain assistance in dealing with gambling problems shall be prominently posted at the following locations in each Gaming Enterprise:

- (1) at each entrance and exit;
- (2) at any check cashing facility within the Gaming Enterprise;
- (3) near any ATM cash machines at the Gaming Enterprise; and
- (4) any other locations as determined by the Commissioner of Corporate

Affairs.

(c) **Promotional Material.** The Problem Gambling Prevention Program shall contain guidelines and suggestions for including messages about responsible gambling, the need to get help for problem gambling behavior, and the sources of such help. The Director shall monitor the promotional materials and campaigns of each Gaming Enterprise to ensure that such messages are being included to the extent appropriate and, in cooperation with the Commissioner take such action as may be necessary to correct any deficiencies in this regard.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 15(e)

**§ 706. Exclusion**

At the request of a patron who states that he or she may have a gambling problem, or at the request of an immediate family member of a patron who alleges that the patron has a gambling problem, the patron's name may be added to the Exclusion List established pursuant to section 312(d) of this Title.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 44-03, § 15(f)

**SECTION II: DEPARTMENT OF ATHLETIC  
REGULATION**

**Section**

- 801. Professional Boxing and Mixed Martial Arts
- 802. Purpose of the Commission
- 803. Jurisdiction of the Commission
- 804. Boxing Commission
- 805. No Right of Action
- 806. Medical Standards

**Historical, Statutory and Code Reviser's Notes**

The title of Band Ordinance 45-06 is "An ordinance amending Title 15 of the Mille Lacs Band Statutes Annotated to add Section II entitled Department of Athletic Regulation in order to regulate professional athletic activities held on the Mille Lacs Band of Ojibwe reservation."

The Preamble of Band Ordinance 45-06 provides: "It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe the following act for the purpose of establishing a statutory system for the effective regulation of professional athletic activities on the Mille Lacs Band of Ojibwe Reservation to be called the

Department of Athletic Regulation (the “DAR” or “Department”); establishing an independent regulatory authority called the Boxing Commission (the “Commission”); and for other athletic activities.”

The title of Band Ordinance 05-07 is “An ordinance to amend title 15 of the Mille Lacs Band Statutes Annotated, section II entitled Department of Athletic Regulation to correct nomination/ratification language for Boxing commission members under Section 3 of the statute.”

The Preamble to Band Ordinance 05-07 provides: “It is enacted by the Band assembly of the Mille Lacs Band of Ojibwe for the purpose of correcting language specifying the nomination and ratification of Boxing commission members.”

The title of Band Ordinance 23-07 is “An Ordinance to amend title 15 of the Mille Lacs Band Statutes Annotated, Section II entitled Department of Athletic Regulation (DAR) to change the language of Section 2, to make changes to Section 4(b), (i), (j), and to add (k), and to change the language of Section 6 (Medical Standards).”

The Preamble to Band Ordinance 23-07 provides: “It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of changing the language of Section 2, to change the appointment process of the Boxing Commissioners in Section 4(b), the compensation language in Section 4(i), the training language in Section 4(j), to add Section 4(k), and to change the language of Section 6 (Medical Standards). The language of Section 4, subsections (a), (c), (d), (e), (f), (g), and (h) shall remain unchanged.

#### **§ 801. Professional Boxing and Mixed Martial Arts**

(a) This Chapter and the Rules and Regulations shall constitute the entire amateur mixed martial arts (MMA) and professional athletic activity laws and regulations of the Band. No amateur MMA or professional boxing, sparring, MMA or other professional athletic exhibitions shall be conducted, held or given on the Mille Lacs Band of Ojibwe Reservation except in accordance with the provisions of this Chapter and the Rules and Regulations adopted by the Department of Athletic Regulation (DAR).

(b) The DAR, through its Executive Director and Athletic Regulation Commission, shall have the right to amend these regulations as the need arises. The Band Assembly reserves the right to approve or revoke any changes to the DAR Rules and Regulations prior to implementation within 90 days of receipt from the DAR. If no formal action is taken within the 90 days, the change(s) is/are automatically adopted.

#### **Historical and Statutory Notes**

**Source:**

Band Ordinance 45-06, § 1.

#### **§ 802. Purpose of the Department of Athletic Regulation**

(a) The purpose of the Department of Athletic Regulation (DAR) is to regulate, administer and oversee the conduct of amateur MMA and all professional athletic events held on the Mille Lacs Band of Ojibwe Reservation, including professional boxing and MMA, for the purpose of promoting the health, safety and welfare of all persons engaged in such activities, and that of Band Members and the public.

The DAR shall regulate such events through its Executive Director and Athletic Commissioners.

- (b)
- (c) The DAR Executive Director and at least two (2) Commission members shall be present at each place where amateur MMA or professional boxing, MMA or other professional athletic activities are to be held pursuant to the provisions of this Chapter. If the Executive Director is unable to attend such event due to illness or for any other reason, the Athletic Regulation Commission members shall oversee the regulation of such event. .

**Historical and Statutory Notes**

**Source:**

Band Ordinance 45-06, § 2; Band Ordinance 23-07, § 1.

**§ 803. Jurisdiction of the Department of Athletic Regulation Commission**

The Department of Athletic Regulation Commission shall have and is hereby vested with the sole discretion, management, control and jurisdiction over all amateur and professional athletic exhibitions to be conducted, held or given on the Mille Lacs Band of Ojibwe Reservation and other Band Lands including boxing, sparring, mixed martial arts (MMA) as well as all licensing of any and all persons who participate in such activities. All gyms, clubs, training camps and other organizations that provide training facilities for persons preparing for participation in professional boxing, sparring or mixed martial arts (MMA) on Band lands are also included.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 45-06, § 3.

**§ 804. Department of Athletic Regulation Commission**

(a) The DAR shall be managed by an Executive Director and a five member Board referred to as the Athletic Regulation Commission. At all times, there shall be at least one Commissioner from each District serving on the Athletic Regulation Commission. The Commission shall consist of five (5) members appointed in the following manner and having staggered terms as provided in paragraph (b) of this section.

(1) The Commission shall have oversight of the Executive Director.

(b) Appointments process, terms, oath of office. Each Commissioner shall be appointed using the following process:

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(1) The Chief Executive shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations by the Secretary-Treasurer, the Secretary-Treasurer shall ratify one (1) of the two (2) nominees to be a Member of the Board. Such Member shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.

(2) The Secretary-Treasurer shall nominate two (2) individuals and submit their names to the Chief Executive. Within ten (10) calendar days after receipt of the nominations by the Chief Executive, the Chief Executive shall ratify one (1) of the two (2) nominees to be a Member of the Board. Such Member shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.

(3) Each District Representative shall nominate two (2) individuals and submit their names to the Chief Executive. Within ten (10) calendar days after receipt of the nominations by the Chief Executive, the Chief Executive shall ratify one (1) of the two (2) nominees to be a Member of the Board. Such Board Member shall serve until September 30, 2009. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.

(4) If the Chief Executive or Secretary-Treasurer does not ratify one individual from any of the nominations sent to them within the time prescribed, then the Band Assembly shall select such Member by majority vote.

(5) If any person does not submit a nomination within thirty (30) days after a vacancy has occurred, then the Band Assembly shall nominate two (2) individuals by majority vote and submit their names to the Chief Executive for ratification to the Board. The timing and process for ratification are as stated in paragraphs (b)(1) and (b)(4) of this section.

(6) No person shall take office until swearing to the oath of office pursuant to 2 MLBSA § 8.

(c) Qualifications of Commissioners are as follows:

(1) Commissioners shall be individuals who are of high moral character and integrity, who have a reputation for being honest, fair, objective, and who are recognized as possessing sound judgment.

(2) It is preferred that Commissioners be individuals with an interest in boxing or mixed martial arts or be individuals that have a background in amateur boxing or wrestling.

(3) Commissioners may not have been convicted of a felony within ten (10) years of the date of their appointment. In addition, any Commissioner convicted of a felony during their term shall be automatically removed for such cause.

(4) No fewer than three (3) Commissioners shall be Band members. There shall be at least one Commissioner from each of the Band's three districts.

(5) If the Corporate Commission or a MLBO gaming enterprise acts as promoter in any type of amateur or professional athletic event to be regulated by the DAR, any Commissioner employed by the Corporate Commission or a MLBO gaming enterprise, will not participate in the regulation of such event.

(6) Commissioners shall be subject to criminal background investigations. The Office of Solicitor General shall conduct the criminal background investigation for the Athletic Commission and shall return results of such investigation to the Band Assembly within ten (10) business days of notice of ratification.

(d) Commission officers.

(1) The Commission shall have a Chairperson, Vice-Chairperson and a Secretary.

(2) The Chairperson of the Commission shall be determined by a majority vote of the elected officials and selected from one of the current Commissioners or, if there is a vacancy, the individual who is appointed to fill such vacancy.

(3) The Vice-Chairperson shall be selected by the Commission by majority vote.

(4) The Secretary shall be selected by the Commission by majority vote.

(e) Commission Duties and Responsibilities.

(1) The Chairperson shall preside over meetings of the Commission and the Vice-Chairperson shall preside over meetings of the Commission in the absence of the Chairperson. The Secretary shall record in writing the minutes of all Board meetings and all official actions taken by the Commission. A copy of the minutes may be provided to the Band Assembly and Chief Executive upon request.

(2) Commissioners shall serve part-time, however, the Commission shall meet a minimum of once per month, but no more than twice per month



- (3) Each Commissioner is responsible for reading and reviewing the DAR Rules and Regulations as well as this chapter within thirty (30) days of his/her appointment to the Commission.
- (4) As part of each Commissioner's training, he/she shall, on a staggered basis, assist in pre-bout and post-bout duties and responsibilities, including weigh-ins, licensing and payouts. Commissioners shall also work to ensure that all rules and regulations are followed during each athletic event.
- (5) As part of each Commissioner's training, he/she shall attend boxing inspection training at their earliest opportunity after appointment. Commissioners are also expected to take advantage of other types of trainings that may be offered locally to enhance their knowledge of the unarmed combat that they are appointed to regulate.

(f) Vacancies.

(1) The DAR or Chairperson shall notify the Band Assembly and Chief Executive of any vacancy on the Commission at least thirty (30) days prior to the end of term or, in circumstances other than the end of a term, immediately upon the knowledge that a vacancy will occur.

(2) If there is a vacancy on the Commission, then the vacancy shall be filled in the same manner as the vacating Commissioner who was originally appointed.

(3) Any Commissioner, including the Chairperson, appointed to fill a vacancy shall serve for the remainder of the vacant term, however, any Commissioner may be re-appointed during this time period pursuant to paragraph (c) of this section.

(g) No elected official shall serve as a Commissioner during his/her term of office.

(h) Removal. A Commissioner may be removed by a super-majority vote of four (4) out of five (5) members of the elected officials. The determination of the elected officials is final and unappealable to the Court of Central Jurisdiction.

(i) Compensation. Commissioners shall be paid Two Hundred and Fifty and No Dollars (\$250.00) per meeting, not to exceed Five Hundred and No Dollars (\$500.00) in one month. Mileage and other travel expenses will be compensated on the same terms and conditions as applicable to Senior Executive Staff appointees as provided by Band law. Commissioner stipend is restricted to his/her attendance at official meetings of the Commission.

(j) Training.

(1) Commissioners may attend one or more training seminars per year during their terms of membership. These seminars shall be sanctioned by the Association of Boxing Commissioners ("ABC) or other professional boxing or martial arts organization.

(2) Commissioners attending mandatory training seminars, who are also employees of the Band government, shall be compensated at their documented rate of pay for each hour they are in attendance at such training plus mileage and other travel expenses as stated in paragraph (i) in this section. Commissioners, who are also employees of the Band government, shall not be required to use his/her accrued annual leave, but will be paid as if they were at work.

(3) Commissioners who are not Band government employees and are required to be absent from their employment to attend training pursuant to subsection (j)(1) above, shall be compensated at their previously documented hourly rate of pay, but not to exceed \$15.00 per hour, for each hour that they are in attendance at such training plus mileage and other travel expenses as stated in subparagraph (2) above.

(k) Funding and Collection of Fees. The DAR shall be funded as follows:

- (1) From ticket sales of unarmed combat events, there shall be a 10/90 split between the DAR and the appropriate Grand Casino budget. Ten percent (10%) shall be assigned to the DAR budget through OMB.
- (2) The remaining budget requirements will be funded from Taxation Revenue to be appropriated each and every year by Band government budget process.
- (3) If an unarmed combat promoter chooses to negotiate a "4-wall" deal with Grand Casino, he/she shall be responsible for marketing and sale of tickets for such unarmed combat event. The promoter shall negotiate with Grand Casino as to all other matters except regulation. For regulation of a "4-wall" event, the promoter shall pay 10% of the gross ticket sales to the DAR, but not to exceed \$2,500.00. If any comp has the potential to impact the regulation fee, the promoter shall be restricted to "comp" no more than 10% of the gross ticket sales. Within ten (10) days of the event, the promoter shall file a written report with the DAR listing all ticket sales and comps of the "4-wall" event.

- (4) The minimum payment to the DAR from a promoter for the regulation of any unarmed combat 4-wall event shall be \$1,000.00. Such amount shall be paid according to the timeline established under the DAR rules and regulations.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 45-06, § 4; Band Ordinance 05-07; Band Ordinance 23-07, § II.

**§ 805. No Right of Action**

This Chapter does not create any right, cause of action or benefit enforceable at law or in equity by any individual, entity or party against the Mille Lacs Band of Ojibwe, its representatives, elected officials, Athletic Department or the Commission.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 45-06, § 5.

**§ 806. Medical Standards**

For each World Championship Event and all televised events, there shall be two (2) ringside physicians present at each professional boxing or mixed martial arts (MMA) or other professional athletic event. For all other non-championship athletic events or non-televised events, there shall be one (1) ringside physician present. At the earliest opportunity, all such physicians shall be registered with and attend training sessions with the American Association of Professional Ringside Physicians ("AAPRP"). All ringside physicians must be licensed in the United States and have professional qualifications suitable to professional boxing or mixed martial arts. Accepted medical background includes, but is not limited to, internal medicine, neurology or general practice. All regulations adopted with the passage of this Chapter shall be followed.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 45-06, § 6; Band Ordinance 23-07, § III.

## **Ordinance 16-13**

An Ordinance amending Section II of Title 15 (Department of Athletic Regulation) to permit the DAR to regulate professional boxing and MMA for another tribe or tribal entity in order to promote professionalism and safety in the sport within Indian country.

The District III Representative introduced the following Bill on this 15<sup>th</sup> day of January, 2013.

### Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of amending Section 802 of Section II of Title 15 (Department of Athletic Regulation) to permit the DAR to regulate professional boxing and MMA for another tribe or tribal entity in order to promote professionalism and safety in the sport within Indian country.

### I

Section 802 of Section II of Title 15 of the Mille Lacs Band Statutes Annotated is hereby amended adding a new subsection (b) as follows:

#### **Section 802. Purpose of the Department of Athletic Regulation**

(a) With the exception of subsection (b) below, the purpose of the Department of Athletic Regulation (DAR) is to regulate, administer and oversee the conduct of amateur MMA and all professional athletic events held on the Mille Lacs Band of Ojibwe Reservation, including professional boxing and MMA, for the purpose of promoting the health, safety and welfare of all persons engaged in such activities, and that of Band Members and the public. The DAR shall regulate such events through its Executive Director and Athletic Commissioners.

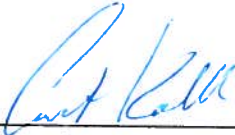
(b) The Department of Athletic Regulation (DAR) may, upon invitation from another tribe or tribal entity, regulate a boxing or MMA event on behalf of such tribal entity for the purpose of promoting professionalism and safety in the sport. All such regulatory activities conducted on behalf of another tribe or tribal entity must be compensated by that tribe or tribal entity that extended the invitation to the DAR in an amount that is fair and reasonable, but no less than \$2,000.00 per event. Any monies earned in this manner by the DAR shall be deposited in the Band's general fund within five (5) days of the event.

(c) The DAR Executive Director and at least two (2) Commission members shall be present at each place where amateur MMA or professional boxing, MMA or other professional athletic activities are to be held pursuant to the provisions of this Chapter. If the Executive Director is unable to attend such event due to illness or for any other reason, the Athletic Regulation Commission members shall oversee the regulation of such event.

Ordinance 16-13  
(BA Bill 15-03-16-13)


Introduced to the Band Assembly on this  
fifteenth day of January in the year  
Two thousand thirteen.

Passed by the Band Assembly on this  
fifteenth day of January in the year  
Two thousand thirteen.

  
Curt Kalk, Speaker of the Assembly

APPROVED

Date: January 18, 2013

  
Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND

Ordinance 25-13

An Ordinance amending Section I of Title 15 (Gaming Regulatory Act) to change wording to comply with National Indian Gaming Commission (NIGC) regulations and allow the GRA to extend fingerprinting information to NIGC or the Minnesota Gambling Enforcement for background investigations of key employee or primary management official positions.

The District I Representative introduced the following Bill on this 26<sup>th</sup> day of March, 2013.

Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of amending Section 307 (Licensing) of Section I of Title 15 (Gaming Regulatory Act) to change wording to comply with National Indian Gaming Commission (NIGC) regulations and to allow the GRA to extend fingerprinting information to NIGC or the Minnesota Gambling Enforcement for background investigations of key employee or primary management official positions.

I

Section 307(c)(1)(A) of Section I of Title 15 of the Mille Lacs Band Statutes Annotated is hereby amended as follows:

**Section 307. Licensing**

**(c) Mandatory Licensing Application Provisions and Procedures.**

**(1) Notices to applicants.**

**(A) Privacy Notice.** The Authority shall place the following notice on the application form for a key employee or a primary management official before that form is filled out by an applicant:

*In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in*

*this notice will result in a tribe's being unable to license you for a primary management official or key employee position.*

*The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.*

Section 307(c)(3) of Section I of Title 15 of the Mille Lacs Band Statutes Annotated is hereby amended as follows:

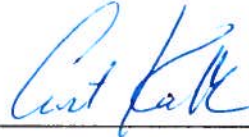
**(3) Mandatory Licensing Procedures.**

- (A) Fingerprints.** Fingerprints of each applicant for the position of key employee or primary management official will be taken by the Office of Gaming Regulation and Compliance and sent to either Minnesota Gambling Enforcement or the National Indian Gaming Commission. Minnesota Gambling Enforcement or the National Indian Gaming Commission will send the fingerprints to the FBI for a check of criminal history records information maintained by the FBI and return the results back to the Office of Gaming Regulation and Compliance.

**Ordinance 25-13**  
(BA Bill 15-03-25-13)

Introduced to the Band Assembly on this  
Twenty-sixth day of March in the year  
Two thousand thirteen.

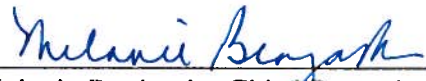
Passed by the Band Assembly on this  
Twenty-sixth day of March in the year  
Two thousand thirteen.



\_\_\_\_\_  
Curt Kalk, Speaker of the Assembly

APPROVED

Date: March 29, 2013



\_\_\_\_\_  
Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**



## Ordinance 31-21

An Ordinance amending Title 15 of the Mille Lacs Band Statutes (“MLBS”) for the purposes of clarifying and correcting Chapter 2. On October 2, 2006, the Chief Executive signed into law Ordinance 45-06, which added Chapter 2 (Department of Athletic Regulation) to Title 15 (Gaming Regulatory Act). On November 17, 2006, the Chief Executive signed into law Ordinance 05-07, which corrected the nomination and ratification language for Chapter 2 of Title 15. On May 2, 2007, the Chief Executive signed into law 23-07, which amended the language in multiple sections of Chapter 2 of Title 15. On February 22, 2011, the Chief Executive signed into law Ordinance 05-11, which amended the language in multiple sections of Chapter 2 of Title 15. On January 18, 2013, the Chief Executive signed into law Ordinance 16-13, which permitted the Department of Athletic Regulation to regulate professional boxing and mixed martial arts for another tribe or tribal entity in order to promote professionalism and safety in the sport within Indian country. In the midst of these amendments over the years, the correct language has not always been reflected in Band statutes and this Bill is intended to cure those defects.

The District I Representative introduced the following Bill on the 24th day of March, 2021.

### Preamble

It is enacted, by the Band Assembly of the Non-Removable Mille Lacs Band of Ojibwe, for the purposes of clarifying and correcting Chapter 2.

### **Section 1: Amending Chapter 2 of Title 15 – Gaming Regulatory Act.**

15 MLBS §§ 801-805 are amended by adding and removing the following:

#### **§ 801. Professional Boxing and Mixed Martial Arts.**

- (a) This subchapter and the Rules and Regulations shall constitute the entire professional athletic activity laws, including amateur mixed martial arts (“MMA”), and regulations of the Band. No professional boxing, sparring, amateur mixed martial arts, or other professional athletic exhibitions shall be conducted, held, or given on the Mille Lacs Band of Ojibwe Reservation, except in accordance with the provisions of this subchapter and the Department’s Rules and Regulations adopted by the Department of Athletic Regulation (“DAR”).
- (b) The DAR, through its Executive Director and Athletic Regulation Commission, shall have the right to amend the Rules and Regulations as the need arises. The Band Assembly reserves the right to approve or revoke any changes to the DAR Rules and Regulations prior to implementation within 90 calendar days of receipt from the DAR. If no formal action is taken within the 90 calendar days, the change is automatically adopted.

## **Historical and Statutory Notes**

**Source:**

Band Ordinance 45-06, § 1.  
Band Ordinance 05-11, § I(2), Exh. A, § 801.

### **§ 802. Purpose of the Department of Athletic Regulation.**

- (a) With the exception of subsection (b), below, the purpose of the Department of Athletic Regulation is to regulate, administer, and oversee the conduct of all professional athletic, including professional boxing and amateur mixed martial arts, events held on the Mille Lacs Band of Ojibwe Reservation for the purpose of promoting the health, safety, and welfare of all persons engaged in such activities, and that of Band Members and the public. The Department of Athletic Regulation shall regulate such events through its Executive Director and Athletic Commissioners.
  
- (b) The Department of Athletic Regulation (“DAR”) may, upon invitation from another tribe or tribal entity, regulate a boxing or MMA event on behalf of such tribal entity for the purpose of promoting professionalism and safety in the sport. All such regulatory activities conducted on behalf of another tribe or tribal entity must be compensated by that tribe or tribal entity that extended the invitation to the DAR in an amount that is fair and reasonable, but no less than \$2,000.00 per event. Any monies earned in this manner by the DAR shall be deposited in the Band’s general fund within five (5) calendar days of the event.
  
- (c) The DAR Executive Director and at least two (2) Commission members shall be present at each place where amateur MMA or professional boxing, MMA or other professional athletic activities are to be held pursuant to the provisions of this subchapter. If the Executive Director is unable to attend such event due to illness or for any other reason, the Athletic Regulation Commission members shall oversee the regulation of such event.

## **Historical and Statutory Notes**

**Source:**

Band Ordinance 45-06, § 2.  
Band Ordinance 23-07, § I.  
Band Ordinance 16-13, § 1.

### **§ 803. Jurisdiction of the Department of Athletic Regulation Commission.**

The Department of Athletic Regulation Commission shall have and is hereby vested with the sole discretion, management, control, and jurisdiction over all amateur and professional boxing, sparring, mixed martial arts, and other professional athletic exhibitions to be conducted, held, or given on the Mille Lacs Band of Ojibwe Reservation, and other Band Lands, and over all licensing of any and all persons who participate in such activities. All gyms, clubs, training camps, and other organizations that provide training facilities for persons preparing for participation in professional boxing, sparring, or mixed martial arts on Band lands are also included.

#### **Historical and Statutory Notes**

**Source:**

Band Ordinance 45-06, § 3.  
Band Ordinance 05-11, § I(2), Exh. A, § 803.

#### **§ 804. Department of Athletic Regulation Commission.**

- (a) **General.** The Department of Athletic Regulation shall be managed by an Executive Director and a five-member Board, referred to as the Athletic Regulation Commission (“Commission”). At all times, there shall be at least one (1) Commissioner from each District serving on the Athletic Regulation Commission. The Commission shall consist of five (5) members appointed in the following manner and have staggered terms as provided in subsection (b), below. The Commission shall have oversight of the Executive Director.
- (b) **Appointments process, terms, oath of office.** Each Commissioner shall be appointed using the following process:
  - (1) The Chief Executive shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations by the Secretary-Treasurer, the Secretary-Treasurer shall ratify one (1) of the two (2) nominees to be a Commissioner on the Athletic Regulation Commission. Such Commissioner shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
  - (2) The Secretary-Treasurer shall nominate two (2) individuals and submit their names to the Chief Executive. Within ten (10) calendar days after receipt of the nominations by the Chief Executive, the Chief Executive shall ratify one (1) of the two (2) nominees to be a Commissioner of the Athletic Regulation Commission. Such Commissioner shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
  - (3) Each District Representative shall nominate two (2) individuals and submit their names to the Chief Executive. Within ten (10) calendar days after receipt

of the nominations by the Chief Executive, the Chief Executive shall ratify one (1) of the two (2) nominees to be a Commissioner of the Athletic Regulation Commission. Such Commissioner shall serve until September 30, 2009. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.

- (4) If the Chief Executive or Secretary-Treasurer does not ratify one individual from any of the nominations sent to them within the time prescribed, then the Band Assembly shall select a Commissioner by majority vote.
- (5) If any person does not submit a nomination within 30 calendar days after a vacancy has occurred, then the Band Assembly shall nominate two (2) individuals by majority vote and submit their names to the Chief Executive for ratification to the Athletic Regulation Commission. The timing and process for ratification are as stated in clauses (1) and (4) above.
- (6) No person shall take office until swearing to the oath of office pursuant to 2 MLBS § 8.

(c) **Qualifications of Commissioners are as follows:**

- (1) Commissioners shall be individuals who are of high moral character and integrity, who have a reputation for being honest, fair, objective, and who are recognized as possessing sound judgment.
- (2) It is preferred that Commissioners be individuals with an interest in boxing or mixed martial arts or be individuals that have a background in amateur boxing, wrestling, or mixed martial arts.
- (3) Commissioners may not have been convicted of a felony within ten (10) years of the date of their appointment. Any Commissioner convicted of a felony during their term shall be automatically removed for such cause.
- (4) No fewer than three (3) Commissioners shall be Band members. There shall be at least one (1) Commissioner from each of the Band's three districts.
- (5) If the Corporate Commission or a Mille Lacs Band of Ojibwe gaming enterprise acts as a promoter in any type of amateur or professional athletic event to be regulated by the DAR, any Commissioner employed by the Corporate Commission or Band gaming enterprise, will not participate in the regulation of such event.
- (6) Commissioners shall be subject to criminal background investigations. The Office of Solicitor General shall conduct the criminal background investigation for the Athletic Regulation Commission and shall return the

results of an investigation to the Band Assembly within ten (10) business days of notice of ratification.

(d) **Commission officers.**

- (1) The Commission shall have a Chairperson, Vice-Chairperson, and a Secretary.
- (2) The Chairperson of the Commission shall be determined by a majority vote of the elected officials and selected from one of the current Commissioners or, if there is a vacancy, the individual who is appointed to fill such vacancy.
- (3) The Vice-Chairperson shall be selected by the Commission by majority vote.
- (4) The Secretary shall be selected by the Commission by majority vote.

(e) **Board duties and responsibilities.**

- (1) The Chairperson shall preside over meetings of the Commission and the Vice-Chairperson shall preside over meetings of the Commission in the absence of the Chairperson. The Secretary shall record, in writing, the minutes of all Board meetings and all official actions taken by the Commission. A copy of the minutes may be provided to the Band Assembly and Chief Executive upon request.
- (2) Commissioners shall serve part-time. The Commission shall meet a minimum of once per month, but no more than twice per month.
- (3) Each Commissioner is responsible for reading and reviewing the DAR Rules and Regulations, as well as this subchapter within 30 calendar days of her or his appointment to the Commission.
- (4) As part of each Commissioner's training, he or she shall, on a staggered basis, assist in pre-bout and post-bout duties and responsibilities, including weigh-ins, licensing, and payouts. Commissioners shall also work to ensure that all rules and regulations are followed during each athletic event.
- (5) As part of each Commissioner's training, he or she shall attend boxing inspection training at their earliest opportunity after appointment. Commissioners are also expected to take advantage of other types of trainings that may be offered locally to enhance their knowledge of the unarmed combat that they are appointed to regulate.

(f) **Vacancies.**

- (1) The DAR or Chairperson shall notify the Band Assembly and Chief Executive of any vacancy on the Commission at least 30 days prior to the end of term or, in circumstances other than the end of a term, immediately upon the knowledge that a vacancy will occur.
  - (2) If there is a vacancy on the Commission, then the vacancy shall be filled in the same manner as the vacating Commissioner who was originally appointed.
  - (3) Any Commissioner, including the Chairperson, appointed to fill a vacancy shall serve for the remainder of the vacant term. Any Commissioner may be re-appointed during this time period pursuant to subsection (c).
- (g) **Elected official.** No elected official shall serve as a Commissioner during her or his term of office.
- (h) **Removal.** A Commissioner may be removed by a super-majority vote of four (4) out of five (5) members of the elected officials. The determination of the elected officials is final and unappealable to the Court of Central Jurisdiction.
- (i) **Compensation.** Commissioners shall be paid two hundred fifty dollars (\$250.00) per meeting, not to exceed five hundred dollars (\$500.00) in one (1) month. Mileage and other travel expenses will be compensated on the same terms and conditions as applicable to Senior Executive Staff appointees as provided by Band law. Commissioner stipend is restricted to her or his attendance at official meetings of the Commission.
- (j) **Training.**
- (1) Commissioners may attend one or more training seminars per year during their terms of membership. These seminars shall be sanctioned by the Association of Boxing Commissioners (“ABC) or other professional boxing or martial arts organization.
  - (2) Commissioners attending mandatory training seminars, who are also employees of the Band government, shall be compensated at their documented rate of pay for each hour they are in attendance at such training, plus mileage, and other travel expenses as stated in subsection (i) above. Commissioners, who are also employees of the Band government, shall not be required to use her or his accrued annual leave, but will be paid as if they were at work.
  - (3) Commissioners who are not Band government employees and are required to be absent from their employment to attend training pursuant to subsection (j)(1) above, shall be compensated at their previously documented hourly rate of pay, but not to exceed fifteen dollars (\$15.00) per hour, for each hour that they are in attendance at such training, plus mileage, and other travel expenses as stated in paragraph (2) above.

(k) **Funding and Collection of Fees.** The DAR shall be funded as follows:

- (1) From ticket sales of unarmed combat events, there shall be a 10/90 split between the DAR and the appropriate Grand Casino budget. Ten percent (10%) shall be assigned to the DAR budget through the Office of Management and Budget.
- (2) The remaining budget requirements will be funded from Taxation Revenue to be appropriated each and every year by Band government budget process.
- (3) If an unarmed combat promoter chooses to negotiate a “4-wall” deal with Grand Casino, he or she shall be responsible for marketing and sale of tickets for such unarmed combat event. The promoter shall negotiate with Grand Casino as to all other matters except regulation. For regulation of a “4-wall” event, the promoter shall pay ten percent (10%) of the gross ticket sales to the DAR, but not to exceed two thousand five hundred dollars (\$2,500.00). If any comp has the potential to impact the regulation fee, the promoter shall be restricted to “comp” no more than ten percent (10%) of the gross ticket sales. Within ten (10) calendar days of the event, the promoter shall file a written report with the DAR listing all ticket sales and comps of the “4-wall” event.
- (4) The minimum payment to the DAR from a promoter for the regulation of any unarmed combat “4-wall” event shall be one thousand dollars (\$1,000.00). Such amount shall be paid according to the timeline established under the DAR Rules and Regulations.

#### **Historical and Statutory Notes**

**Source:**

Band Ordinance 45-06, § 4.  
Band Ordinance 05-07.  
Band Ordinance 23-07, § II.  
Band Ordinance 05-11, § I(2), Exh. A, § 804.

#### **§ 805. No Right of Action.**

This subchapter does not create any right, cause of action, or benefit enforceable at law or in equity by any individual, entity, or party against the Non-Removable Mille Lacs Band of Ojibwe, its representatives, elected officials, Athletic Department, or the Commission.

#### **Historical and Statutory Notes**

**Source:**


Band Ordinance 45-06, § 5.



Ordinance 31-21  
(Band Assembly Bill 19-03-31-21)

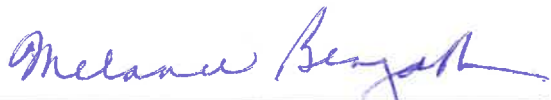
Introduced to the Band Assembly on this  
Twenty-fourth day of March in the year  
Two thousand twenty-one.

Passed by the Band Assembly on this  
Twenty-fourth day of March in the year  
Two thousand twenty-one.

  
\_\_\_\_\_  
Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: March 24, 2021

  
\_\_\_\_\_  
Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**

A Bill amending Title 15 of the Mille Lacs Band Statutes (“MLBS”) for the purposes of clarifying and correcting Chapter 2. On October 2, 2006, the Chief Executive signed into law Ordinance 45-06, which added Chapter 2 (Department of Athletic Regulation) to Title 15 (Gaming Regulatory Act). On November 17, 2006, the Chief Executive signed into law Ordinance 05-07, which corrected the nomination and ratification language for Chapter 2 of Title 15. On May 2, 2007, the Chief Executive signed into law 23-07, which amended the language in multiple sections of Chapter 2 of Title 15. On February 22, 2011, the Chief Executive signed into law Ordinance 05-11, which amended the language in multiple sections of Chapter 2 of Title 15. On January 18, 2013, the Chief Executive signed into law Ordinance 16-13, which permitted the Department of Athletic Regulation to regulate professional boxing and mixed martial arts for another tribe or tribal entity in order to promote professionalism and safety in the sport within Indian country. In the midst of these amendments over the years, the correct language has not always been reflected in Band statutes and this Bill is intended to cure those defects.

The District I Representative introduced the following Bill on the 24th day of March, 2021.

Preamble

Be it enacted, by the Band Assembly of the Non-Removable Mille Lacs Band of Ojibwe, for the purposes of clarifying and correcting Chapter 2.

**Section 1: Amending Chapter 2 of Title 15 – Gaming Regulatory Act.**

15 MLBS §§ 801-805 are amended by adding and removing the following:

**§ 801. Professional Boxing and Mixed Martial Arts.**

- (a) This subchapter and the Rules and Regulations shall constitute the entire professional athletic activity laws, including amateur mixed martial arts (“MMA”), and regulations of the Band. No professional boxing, sparring, amateur mixed martial arts, or other professional athletic exhibitions shall be conducted, held, or given on the Mille Lacs Band of Ojibwe Reservation, except in accordance with the provisions of this subchapter and the Department’s Rules and Regulations adopted by the Department of Athletic Regulation (“DAR”).
- (b) The DAR, through its Executive Director and Athletic Regulation Commission, shall have the right to amend the Rules and Regulations as the need arises. The Band Assembly reserves the right to approve or revoke any changes to the DAR Rules and Regulations prior to implementation within 90 calendar days of receipt from the DAR. If no formal action is taken within the 90 calendar days, the change is automatically adopted.

46  
47  
48 **Historical and Statutory Notes**  
49

50 **Source:**

51 Band Ordinance 45-06, § 1.  
52 Band Ordinance 05-11, § I(2), Exh. A, § 801.  
53  
54

55 **§ 802. Purpose of the Department of Athletic Regulation.**  
56

- 57 (a) With the exception of subsection (b), below, the purpose of the Department of  
58 Athletic Regulation Commission is created to regulate, administer, and oversee the  
59 conduct of all professional athletic, including professional boxing and amateur mixed  
60 martial arts, events held on the Mille Lacs Band of Ojibwe Reservation, including  
61 professional boxing and mixed martial arts, for the purpose of promoting the health,  
62 safety, and welfare of all persons engaged in such activities, and that of Band Members  
63 and the public. The Department of Athletic Regulation shall regulate such events  
64 through its Executive Director and Athletic Commissioners. The Commission shall  
65 direct the Department Manager to be present at each place where professional boxing,  
66 mixed martial arts, or other professional athletic activities are to be held pursuant to the  
67 provisions of this subchapter. The Department Manager shall make a written report of  
68 the exact conditions surrounding such match or exhibition in the form and manner  
69 prescribed by the Commission. It is also recommended that a minimum of three (3)  
70 Commissioners be present at each professional boxing, mixed martial arts, or other  
71 professional athletic event.  
72
- 73 (b) The Department of Athletic Regulation (“DAR”) may, upon invitation from another  
74 tribe or tribal entity, regulate a boxing or MMA event on behalf of such tribal entity for  
75 the purpose of promoting professionalism and safety in the sport. All such regulatory  
76 activities conducted on behalf of another tribe or tribal entity must be compensated by  
77 that tribe or tribal entity that extended the invitation to the DAR in an amount that is  
78 fair and reasonable, but no less than \$2,000.00 per event. Any monies earned in this  
79 manner by the DAR shall be deposited in the Band’s general fund within five (5)  
80 calendar days of the event.  
81
- 82 (b)(c) The DAR Executive Director and at least two (2) Commission members shall be  
83 present at each place where amateur MMA or professional boxing, MMA or other  
84 professional athletic activities are to be held pursuant to the provisions of this  
85 subchapter. If the Executive Director is unable to attend such event due to illness or for  
86 any other reason, the Athletic Regulation Commission members shall oversee the  
87 regulation of such event.  
88  
89  
90

91 **Historical and Statutory Notes**

92 **Source:**

93 Band Ordinance 45-06, § 2.  
94 Band Ordinance 23-07, § I.  
95 Band Ordinance 16-13, § 1.

96  
97

98 **§ 803. Jurisdiction of the Department of Athletic Regulation Commission.**

99

100 The Department of Athletic Regulation Commission shall have and is hereby vested with the  
101 sole discretion, management, control, and jurisdiction over all amateur and professional boxing,  
102 sparring, mixed martial arts, and other professional athletic exhibitions to be conducted, held, or  
103 given on the Mille Lacs Band of Ojibwe Reservation, and other Band Lands, and over all  
104 licensing of any and all persons who participate in such activities. All gyms, clubs, training  
105 camp, and other organizations that provide training facilities for persons preparing for  
106 participation in professional boxing, sparring, or mixed martial arts on Band lands are also  
107 included.

108

109

**Historical and Statutory Notes**

110

111 **Source:**

112 Band Ordinance 45-06, § 3.  
113 Band Ordinance 05-11, § I(2), Exh. A, § 803.

114

115

116 **§ 804. Department of Athletic Regulation Commission.**

117

118 (a) **General.** The Department of Athletic Regulation shall be managed by an Executive  
119 Director and a five-member Board, referred to as the Athletic Regulation Commission  
120 ("Commission"). ~~Board of Directors to be known as the Boxing Commission.~~ At all  
121 times, there shall be at least one (1) ~~Board Member~~ Commissioner from each District  
122 serving on the Athletic Regulation Commission, ~~to be known as "Commissioner," on~~  
123 the ~~Boxing Commission~~ from each District. The Board Commission shall consist of  
124 five (5) members appointed in the following manner and have staggered the terms as  
125 provided in subsection (b), below. The Commission shall have oversight of the  
126 Executive Director.

127

128 (b) **Appointments process, terms, oath of office.** Each ~~Board Member~~Commissioner  
129 shall be appointed using the following process:

130

131 (1) The Chief Executive shall nominate two (2) individuals and submit their  
132 names to the Secretary-Treasurer. Within ten (10) calendar days after receipt  
133 of the nominations by the Secretary-Treasurer, the Secretary-Treasurer shall  
134 ratify one (1) of the two (2) nominees to be a ~~Member of the~~  
135 Board Commissioner on the Athletic Regulation Commission. Such ~~Member~~  
136 Commissioner shall serve until September 30, 2008. Any subsequent  
137 appointment, other than to fill a vacancy that occurs prior to the end of a term,  
138 shall be for four (4) years.

139

- 140 (2) The Secretary-Treasurer shall nominate two (2) individuals and submit their  
141 names to the Chief Executive. Within ten (10) calendar days after receipt of  
142 the nominations by the Chief Executive, the Chief Executive shall ratify one  
143 (1) of the two (2) nominees to be a ~~Member of the Board~~ Commissioner of the  
144 Athletic Regulation Commission. Such ~~Member~~ Commissioner shall serve  
145 until September 30, 2008. Any subsequent appointment, other than to fill a  
146 vacancy that occurs prior to the end of a term, shall be for four (4) years.  
147
- 148 (3) Each District Representative shall nominate two (2) individuals and submit  
149 their names to the Chief Executive. Within ten (10) calendar days after receipt  
150 of the nominations by the Chief Executive, the Chief Executive shall ratify  
151 one (1) of the two (2) nominees to be a ~~Member of the Board~~ Commissioner of  
152 the Athletic Regulation Commission. Such ~~Board Member~~ Commissioner  
153 shall serve until September 30, 2009. Any subsequent appointment, other than  
154 to fill a vacancy that occurs prior to the end of a term, shall be for four (4)  
155 years.  
156
- 157 (4) If the Chief Executive or Secretary-Treasurer does not ratify one individual  
158 from any of the nominations sent to them within the time prescribed, then the  
159 Band Assembly shall select ~~such Member~~ a Commissioner by majority vote.  
160
- 161 (5) If any person does not submit a nomination within 30 calendar days after a  
162 vacancy has occurred, then the Band Assembly shall nominate two (2)  
163 individuals by majority vote and submit their names to the Chief Executive for  
164 ratification to the ~~Board~~ Athletic Regulation Commission. The timing and  
165 process for ratification are as stated in clauses (1) and (4) above.  
166
- 167 (6) No person shall take office until swearing to the oath of office pursuant to  
168 2 MLBS § 8.  
169
- 170 (c) **Qualifications of Commissioners are as follows:**  
171
- 172 (1) Commissioners shall be individuals who are of high moral character and  
173 integrity, who have a reputation for being honest, fair, objective, and who are  
174 recognized as possessing sound judgment.  
175
- 176 (2) It is preferred that Commissioners be individuals with an interest in boxing or  
177 mixed martial arts or be individuals that have a background in amateur  
178 boxing, wrestling, or mixed martial arts.  
179
- 180 (3) Commissioners may not have been convicted of a felony within ten (10) years  
181 of ~~May 2, 2007~~ the date of their appointment. Any Commissioner convicted of  
182 a felony during their term shall be automatically removed for such cause.  
183
- 184 (4) No fewer than three (3) Commissioners shall be Band members. There shall  
185 be at least one (1) Commissioner from each of the Band's three districts.

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(5) ~~Commissioners may not be employed by the Corporate Commission or a MLBO gaming enterprise. If the Corporate Commission or a Mille Lacs Band of Ojibwe gaming enterprise acts as a promoter in any type of amateur or professional athletic event to be regulated by the DAR, any Commissioner employed by the Corporate Commission or Band gaming enterprise, will not participate in the regulation of such event.~~

(6) Commissioners shall be subject to criminal background investigations. The Office of Solicitor General shall conduct the criminal background investigation for the Athletic Regulation Commission and shall return the results of an investigation to the Band Assembly within ten (10) business days of notice of ratification.

(d) **Commission officers.**

(1) The Commission shall have a Chairperson, Vice-Chairperson, and a Secretary.

(2) The Chairperson of the Commission shall be determined by a majority vote of the elected officials and selected from one of the current Commissioners or, if there is a vacancy, the individual who is appointed to fill such vacancy.

(3) The Vice-Chairperson shall be selected by the Commission by majority vote.

(4) The Secretary shall be selected by the Commission by majority vote.

(e) **Board duties and responsibilities.**

(1) The Chairperson shall preside over meetings of the Commission and the Vice-Chairperson shall preside over meetings of the Commission in the absence of the Chairperson. The Secretary shall record, in writing, the minutes of all Board meetings and all official actions taken by the Commission. A copy of the minutes may be provided to the Band Assembly and Chief Executive upon request.

~~(2) Commissioners shall serve part-time; however, the Commission shall meet a minimum of once per month, but no more than twice per month.~~

~~(3) Each Commissioner is responsible for reading and reviewing the DAR Rules and Regulations, as well as this subchapter within 30 calendar days of her or his appointment to the Commission.~~

~~(4) As part of each Commissioner's training, he or she shall, on a staggered basis, assist in pre-bout and post-bout duties and responsibilities, including weigh-ins, licensing, and payouts. Commissioners shall also work to ensure that all rules and regulations are followed during each athletic event.~~

232  
233 ~~(2)~~(5) As part of each Commissioner's training, he or she shall attend boxing  
234 inspection training at their earliest opportunity after appointment.  
235 Commissioners are also expected to take advantage of other types of trainings  
236 that may be offered locally to enhance their knowledge of the unarmed  
237 combat that they are appointed to regulate.  
238  
239

240 (f) **Vacancies.**

241  
242 (1) The DAR or Chairperson shall notify the Band Assembly and Chief Executive  
243 of any vacancy on the Commission at least 30 days prior to the end of term or,  
244 in circumstances other than the end of a term, immediately upon the  
245 knowledge that a vacancy will occur.

246  
247 (2) If there is a vacancy on the Commission, then the vacancy shall be filled in the  
248 same manner as the vacating Commissioner who was originally appointed.

249  
250 (3) Any Commissioner, including the Chairperson, appointed to fill a vacancy  
251 shall serve for the remainder of the vacant term, ~~however,~~ Any  
252 Commissioner may be re-appointed during this time period pursuant to  
253 subsection (c).  
254

255 (g) **Elected official.** No elected official shall serve as a Commissioner during her or his  
256 term of office.

257  
258 (h) **Removal.** A Commissioner may be removed by a super-majority vote of four (4) out  
259 of five (5) members of the elected officials. The determination of the elected officials  
260 is final and unappealable to the Court of Central Jurisdiction.  
261

262 (i) **Compensation.** Commissioners shall be paid two hundred fifty dollars (\$250.00) per  
263 meeting, not to exceed five hundred dollars (\$500.00) in one (1) month, ~~except that in~~  
264 ~~a case of demonstrated emergency, the Chairperson may petition the Secretary-~~  
265 ~~Treasurer for compensation for additional meetings. Compensation shall be paid to~~  
266 ~~Commissioners as follows: (1) for her or his attendance at official Commission~~  
267 ~~meetings; and (2) for participation at official trainings hosted by the Commission, e.g.~~  
268 ~~inspector training.~~ Mileage and other travel expenses will be compensated on the  
269 same terms and conditions as applicable to Senior Executive Staff appointees as  
270 provided by Band law. Commissioner stipend is restricted to her or his attendance at  
271 official meetings of the Commission.  
272

273 (j) **Training.**

274  
275 (1) Commissioners ~~may~~shall attend one or more training seminars per year during  
276 their terms of membership. These seminars shall be sanctioned by the

277 Association of Boxing Commissioners (“ABC) or other professional boxing  
278 or martial arts organization.

279  
280 (2) Commissioners attending mandatory training seminars, who are also  
281 employees of the Band government, shall be compensated at their documented  
282 rate of pay for each hour they are in attendance at such training, plus mileage,  
283 and other travel expenses as stated in subsection (i) above. Commissioners,  
284 who are also employees of the Band government, shall not be required to use  
285 her or his accrued annual leave, but will be paid as if they were at work.

286  
287 (3) Commissioners who are not Band government employees and are required to  
288 be absent from their employment to attend training pursuant to subsection  
289 (j)(1) above, shall be compensated at their previously documented hourly rate  
290 of pay, but not to exceed fifteen dollars (\$15.00) per hour, for each hour that  
291 they are in attendance at such training, plus mileage, and other travel expenses  
292 as stated in paragraph (2) above.

293  
294 (k) **Funding and Collection of Fees.** The DAR shall be funded as follows:

295  
296 ~~(1) — \$50,000.00 from Net Revenue to be appropriated each and every year by Band~~  
297 ~~government budget process.~~

298  
299 ~~From ticket sales of unarmed combat events, there shall be a 40/60 split between the DAR~~  
300 ~~and the appropriate Grand Casino budget. Forty percent (40%) shall be assigned to the~~  
301 ~~DAR budget through the Office of Management and Budget and sixty percent (60%) shall~~  
302 ~~be assigned to the Grand Casino for an annual maximum amount of \$150,000.00 per fiscal~~  
303 ~~year. After the maximum of \$150,000.00 has been paid to DAR from the 40/60 split, the~~  
304 ~~Grand Casino will retain 100% of all ticket sales for that fiscal year.~~

305  
306 (1) From ticket sales of unarmed combat events, there shall be a 10/90 split between  
307 the DAR and the appropriate Grand Casino budget. Ten percent (10%) shall be  
308 assigned to the DAR budget through the Office of Management and Budget.

309  
310 (2) The remaining budget requirements will be funded from Taxation Revenue to  
311 be appropriated each and every year by Band government budget process.

312  
313 (3) If an unarmed combat promoter chooses to negotiate a “4-wall” deal with Grand  
314 Casino, he or she shall be responsible for marketing and sale of tickets for such  
315 unarmed combat event. The promoter shall negotiate with Grand Casino as to  
316 all other matters except regulation. For regulation of a “4-wall” event, the  
317 promoter shall pay ten percent (10%) of the gross ticket sales to the DAR, but  
318 not to exceed two thousand five hundred dollars (\$2,500.00). If any comp has  
319 the potential to impact the regulation fee, the promoter shall be restricted to  
320 “comp” no more than ten percent (10%) of the gross ticket sales. Within ten  
321 (10) calendar days of the event, the promoter shall file a written report with the  
322 DAR listing all ticket sales and comps of the “4-wall” event.



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(2)(4) The minimum payment to the DAR from a promoter for the regulation of any unarmed combat “4-wall” event shall be one thousand dollars (\$1,000.00). Such amount shall be paid according to the timeline established under the DAR Rules and Regulations.

**Historical and Statutory Notes**

**Source:**

- Band Ordinance 45-06, § 4.
- Band Ordinance 05-07.
- Band Ordinance 23-07, § II.
- Band Ordinance 05-11, § I(2), Exh. A, § 804.

**§ 805. No Right of Action.**

This subchapter does not create any right, cause of action, or benefit enforceable at law or in equity by any individual, entity, or party against the Non-Removable Mille Lacs Band of Ojibwe, its representatives, elected officials, Athletic Department, or the Commission.

**Historical and Statutory Notes**

**Source:**

- Band Ordinance 45-06, § 5.

## Ordinance 34-21

An Ordinance amending Title 15 of the Mille Lacs Band Statutes (“MLBS”) for the purposes of clarifying and correcting § 804(i). On March 24, 2021, the Chief Executive signed into law Ordinance 31-21 for the purposes of clarifying and correcting Chapter 2 of Title 15. As an unintended consequence, Ordinance 31-21 superseded Ordinance 02-19, which was signed into law on October 22, 2018. This bill is designed to reconcile Ordinance 31-21 and Ordinance 02-19.

The District II Representative introduced the following Bill on the 14th day of April, 2021.

### **Section 1: Amending Chapter 2 of Title 15 – Gaming Regulatory Act.**

15 MLBS § 804 is modified as follows:

#### **§ 804. Department of Athletic Regulation Commission.**

- (i) **Compensation.** Commissioners shall be paid two hundred fifty dollars (\$250.00) per attendance at official Department of Athletic Regulation meetings or events, not to exceed one thousand dollars (\$1,000.00) in one (1) month. Mileage and other travel expenses will be compensated on the same terms and conditions as applicable to Senior Executive Staff appointees as provided by Band law. Commissioner stipends are restricted to her or his attendance at official Department of Athletic Regulation meetings or events. For this subsection, “events” shall mean a pre-planned professional or amateur combative sport match including, but not limited to, boxing, mixed martial arts, and wrestling matches regulated by the Department of Athletic Regulation within the jurisdiction of the Non-Removable Mille Lacs Band of Ojibwe or as contracted with another federally recognized tribe.

(Band Assembly Bill 19-03-34-21)


Introduced to the Band Assembly on this  
fourteenth day of April in the year  
Two thousand twenty-one.

Passed by the Band Assembly on this  
fourteenth day of April in the year  
Two thousand twenty-one.

  
Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: April 14, 2021

  
Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**