



Mille Lacs Band of Ojibwe Indians  
*Gaming Regulatory Authority*  
*Detailed Gaming Regulations*

**EXCLUSION LIST POLICY AND PROCEDURES**

**Document No. DGR – 6**

**Effective: July 28, 2005**

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**I. PURPOSE.** To comply with 15 MLBSA § 312 by promulgating regulations governing the establishment and maintenance of an Exclusion List to contain the names of individuals who shall be barred from entering any Gaming Enterprise or participating in any Class II or Class III Gaming operated by any Gaming Enterprise.

**II. SCOPE.**

**Section 1.** These regulations are designed to implement the exclusion policy outlined in 15 MLBSA § 312 and are intended to be compliant with the provisions of that Section. In the event of an ambiguity, the provisions herein shall be interpreted so as to be compliant with the provisions in the above-referenced 15 MLBSA § 312.

**Section 2.** Persons on the Exclusion List shall be prohibited from entering Tribal Gaming Facilities. Any person named on the Exclusion List who attempts to enter a Gaming Enterprise after being duly notified that his/her name is on the Exclusion List may, at the discretion of the Solicitor General, be subject to criminal prosecution for violation of 24 MLBSA § 1257, or subject to prosecution for trespass by law enforcement officials.

**Section 3.** Tribal Gaming Facilities shall include the areas inside the Gaming Enterprises where gaming activity is actually conducted as well as adjacent commercial establishments, convention facilities, meeting rooms (and parking areas). This area may also include hotels and lodging facilities at the discretion of the GRA Board.

**Section 4.** This Policy shall not prohibit eligible voters of the Band from entering non-gaming floor areas of a Gaming Enterprise for the purpose of exercising voting rights or attending tribal political or community meetings held in the convention/meeting areas of the Gaming Enterprise. Nor shall this Policy prevent Band employees from attending mandatory work-related meetings in the convention/meeting areas of the Gaming Enterprise during work hours. Nor shall this policy prevent the Executive Director from issuing a temporary suspension of exclusion. The process for a temporary suspension of exclusion can be found at DGR 6 Part II Section 7. Under no circumstance shall the person on the Exclusion List be permitted to participate in any gaming activity while on the premises for such limited purposes.

**Section 5.** Any individual whose name appears on the exclusion lists who enters a Band Gaming Enterprise and participates in gaming activities while at the Gaming Enterprise shall be subject to, forfeiture of any jackpot or thing of value won as a result of a wager made at such facility.

**Section 6.** Any individual entering a Band Gaming Enterprise pursuant to the exceptions contained in DGR 6 Part II Sections 4 & 7 who participates in gaming activities while at the Gaming Enterprise will be subject to criminal prosecution for violation of 24 MLBSA § 1257, or subject to prosecution for trespass by law enforcement officials.

**Section 7. Temporary Suspension of Exclusion.** For temporary suspension of exclusion the following process must be used:

- A. A request for temporary suspension of exclusion needs to be in writing to the Executive Director of OGR&C;
- B. The Executive Director will forward the request for temporary suspension to the Commissioner of Corporate Affairs and the General Manager(s) of the Gaming Enterprise(s), at which time the Corporate Commission and/or the Gaming Enterprise may comment, in writing, on the request for temporary suspension and submit such comments to the Executive



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- Director. Such comments must be received within twelve (12) hours after the request has been forwarded to the Corporate Commission and/or Gaming Enterprise.
- C. The Executive Director will make a Recommendation either temporarily lifting the exclusion or denying the request by Compliance Recommendation;
  - D. The Compliance Recommendation will be placed on the GRA Board's next available agenda for final Determination;
  - E. If the Executive Director makes a Recommendation in favor of the request for temporary suspension of exclusion, the temporary suspension of exclusion will take effect immediately.

**III. DUTY TO EXCLUDE.**

- Section 1.** 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.
- Section 2.** It shall be the duty of the Commissioner of Corporate Affairs ("Commissioner") and General Manager of each Gaming Enterprise to take prompt action to exclude or eject from a Gaming Enterprise any person whose name appears on the Exclusion List.
- Section 3.** 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.
- Section 4.** A licensee's failure to satisfy the provisions of this section may constitute grounds for suspension/revocation of licensing by the Gaming Regulatory Authority.

**IV. PROCEDURES FOR EXCLUSION.**

- Section 1.** It shall be the duty of the General Manager of each Gaming Enterprise to inform the Corporate Commissioner in writing of the name(s) of any person(s) who the General Manager reasonably believes meets the criteria for exclusion in section VI of this DGR. Such names shall be submitted no later than ten (10) business days from the date of the incident except for any damage to hotel rooms or property. Submission for damage to hotel rooms or property must be completed no later than thirty-five (35) calendar days. The Corporate Commissioner, in turn, shall provide such name(s) and supporting documentation to the Director within five (5) business days. Supporting documentation includes but is not limited to; all Security and Surveillance reports past and present pertaining to the individual, voluntary statements, signed hotel registration, colored pictures, investigation reports, and hotel damage cost sheets.
- A. Upon notification from the Corporate Commissioner, the Director shall initiate an investigation into the proposed exclusion request.
  - B. Upon Completion of investigation, the director shall determine, within five (5) business days, if the person in question satisfies any of the criteria establishing them as a Candidate for Exclusion ("Candidate") listed in Section VI below.
  - C. Upon the above determination, the director shall prepare and submit a written Compliance Recommendation to the Gaming Regulatory Authority which shall include the identity of the Candidate, an explanation of the specific reason(s) why such person is a Candidate, the Directors Recommendation as to whether such Candidate should be placed on the Exclusion list, and any documentation used by the director in reaching his or her decision.



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*Detailed Gaming Regulations*

**EXCLUSION LIST POLICY AND PROCEDURES**

**Document No. DGR – 6**

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- D. Concurrent with the Directors Compliance Recommendation regarding the exclusion to the GRA Board, the Director must transmit to the Candidate:
1. A copy of the Compliance Recommendation;
  2. A notice of the date and time that the issue will come before the Gaming Regulatory Authority Board and the Candidate's right to appear with counsel hired at his or her expense;
  3. A notice of the Candidate's right to offer oral or written testimony regarding his/her exclusion and to request that the record be supplemented with additional relevant information;
  4. A copy of the Gaming Regulatory Authority Board's procedures for issuance of a determination; and
  5. A copy of the Gaming Regulatory Authority Appeal Process.
- E. Documents 1-5 above shall be collectively referred to as the "Exclusion List Notice Documents."

**Section 2.** On a date no later than ten (10) days after the transmission of the Exclusion List Notice Documents to the Candidate, the Gaming Regulatory Authority Board (or Hearing Examiner) will review the Compliance Recommendation and any supporting documents relevant to the Candidate. Such review shall take place at a hearing which the Candidate shall be entitled to attend (the "Exclusion Hearing"). If in attendance, the Candidate shall have the right to:

- A. Be represented by counsel;
- B. To offer oral or written testimony on his or her behalf; and
- C. To request that the record be supplemented to include any additional relevant information.

**V. EMERGENCY EXCLUSION.**

**Section 1.** Notwithstanding the foregoing, the GRA Board may place a person on the Exclusion List prior to completion of the Procedures for Exclusion (DGR 6 Part IV) if the exclusion of such person is recommended in an Emergency Enforcement Order properly issued by the Director under 15 MLBSA § 402(c).

**Section 2.** In the event that a person is placed on the Exclusion List prior to completion of the Procedures for Exclusion (DGR 6 Part IV), the GRA Board shall hold an Exclusion Hearing to determine whether the exclusion decision was proper. Such hearing shall be held as soon as reasonably possible, and not later than three (3) days after the person was placed on the Exclusion List

**VI. CRITERIA FOR EXCLUSION.**

**Section 1.** The GRA Board may, upon completion of the Procedures for Exclusion (DGR 6 Part IV), place a person on the Exclusion List permanently or for any shorter period if it has been determined that a person:

- A. Has been convicted, in any jurisdiction, of a felony, or of any other crime that brings that person's honesty or integrity into question, including, but not limited to shoplifting, theft, robbery, burglary, embezzlement, conspiracy to commit a crime, or of a gambling related crime;



Mille Lacs Band of Ojibwe Indians  
*Gaming Regulatory Authority*  
*Detailed Gaming Regulations*

**EXCLUSION LIST POLICY AND PROCEDURES**

**Document No. DGR – 6**

**Effective: July 28, 2005**

- 
- B. Has been terminated from employment in a Gaming Enterprise due to any gaming offense or engagement in dishonest, threatening, harassing, destructive, criminal or suspicious behavior which constituted a risk to property, patrons or personnel at the Gaming Enterprise;
  - C. Has violated or conspired to violate any provision of the Indian Gaming Regulatory Act, any Band Gaming Laws, any Gaming Compact, or any Tribal Law;
  - D. Has a notorious or unsavory reputation, such that their admission to a Gaming Enterprise would adversely affect public confidence and trust in Gaming Operations. Acts giving rise to such reputation shall include, but not be limited to:
    - 1. Attempts to use invalid identification to enter a Gaming Enterprise;
    - 2. Failure to adhere to rules and regulations in place in the Gaming Enterprise.
    - 3. Cheats;
    - 4. Persons whose privileges for licensure have been revoked; and
    - 5. Any other factor reasonably related to the maintenance of public confidence in the effectiveness of the regulatory process and the integrity of gaming operations, and its employees.
  - E. Is currently named on a valid Exclusion List from another jurisdiction, provided that the reason for exclusion in such other jurisdiction would justify exclusion under these Regulations;
  - F. Requests or is the subject of a family member's request for exclusion under 15 MLBSA § 706.
  - G. Is the subject of a request from the General Manager or designee to be placed on the Exclusion list and has engaged in any of the conduct described in Part VII, sec. 2.

**VII. MANAGEMENT AUTHORITY TO REMOVE INDIVIDUALS.**

**Section 1.** These Exclusion List Policies and Procedures shall not prevent Gaming Enterprise management and security personnel from temporarily removing individuals who pose a threat to the health, welfare, morals or enjoyment of patrons and employees. Such temporary removal may be effectuated without resort to the process prescribed in these Exclusion List Policies and Procedures, and may be effective for up to five (5) business days.

**Section 2.** The General Manager may seek to have an individual placed on the Exclusion List who poses a threat to the health, welfare, morals or enjoyment of patrons and employees by following the Procedures for Exclusion. Acts giving rise to individuals who pose a threat to the health, welfare, morals or enjoyment of patrons and employees shall include, but not be limited to:

- A. Consistent disregard of or disrespect for staff and patrons of the Gaming Enterprise;
- B. Failure to pay for services rendered at a Gaming Enterprise; and
- C. Any other illegal, disruptive, destructive or unruly behavior which represents a danger to the health, welfare, morals or enjoyment of the staff or patrons of a Gaming Enterprise, including but not limited to: habitual drunkenness; continuing use of foul language; any form of disorderly conduct; physical intimidation of patrons or staff; physical damage to property.

**Section 3.** If the General Manager informs the Commissioner in writing of the name(s) of any person(s) who the General Manager reasonably believes meets the criteria for exclusion listed in DGR 6 Part VI or DGR 6 Part VII (2), those individual(s) will remain excluded from all Mille Lacs Band Gaming Enterprises until:

- A. The Executive Director issues a Compliance Recommendation in favor of the name(s);



Mille Lacs Band of Ojibwe Indians  
*Gaming Regulatory Authority*  
*Detailed Gaming Regulations*

**EXCLUSION LIST POLICY AND PROCEDURES**

**Document No. DGR – 6**

**Effective: July 28, 2005**

- B. A Final Determination of the Gaming Regulatory Authority Board; or
- C. The final order of the Court of Central Jurisdiction is received.

**Section 4.** These Exclusion List Policies and Procedures shall be the sole exclusion policy and the only means of excluding an individual for more than five (5) business days.

**VIII. APPEAL OF EXCLUSION DETERMINATIONS.** A person placed on the Exclusion List by the GRA Board may appeal the GRA Board's determination in accordance with the appeal procedures outlined in 15 MLBSA 6 §§ 501, 502 and 503.

**IX. MAINTENANCE OF EXCLUSION LIST.**

**Section 1.** The following information shall be provided with respect to each person placed on the exclusion list:

- A. The full name, date of birth, and all aliases;
- B. A physical description;
- C. The date the person's name was placed on the list;
- D. A photograph, if available;
- E. The person's occupation and his current home and business address;
- F. The specific reason for exclusion;
- G. The date, if any, exclusion will expire; and
- H. Such other information as may be deemed necessary by the Director.

**Section 2.** The Exclusion List shall be distributed periodically to each Gaming Enterprise and shall be made available to law enforcement agencies if properly subpoenaed or upon request based on a documented law enforcement need for the list. The Exclusion List shall be classified as Confidential Limited Availability Data.

**X. REMOVAL FROM EXCLUSION LIST.**

**Section 1.** A person placed on the Exclusion List may submit a written petition for reinstatement to the GRA Board no more than once per year.

**Section 2.** A person's name may be removed from the Exclusion List in the event that a subsequent review by the:

- A. GRA Board; or
- B. The Court of Central Jurisdiction (conducted in accordance with the appeal procedures outlined in 15 MLBSA §§ 501, 502 and 503) finding in favor of the excluded person.

**History.** Approved by Band Assembly on July 28, 2005.

Changes to II. Section (d) Addition of temporary suspension of exclusion; Changes to II. Section (e) Added forfeiture of any jackpot or thing of value won as a result of a wager made at a Gaming Enterprise by an excluded individual; Changes to II. Section (g) (i)-(v) Added temporary suspension of exclusion process; Changes to IV. Section (a) Addition of supporting documentation and definition of supporting documentation; Changes to IV. Addition of new section (b) initiation of investigation; Changes to IV. Section (c) Change from 3 days to Five (5) business days for establishment of Candidate; Changes to section (d); Changes to IV. Section (d) changes to section (e); Changes to IV. Section (e) "On same day" to "Concurrent with". Changes to section (f); Changes to IX. Section (a) Seventy-Two (72) to Five (5) business days; and Changes to IX. Section (c) Seventy-Two (72) to Five (5)



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*Gaming Regulatory Authority*  
*Detailed Gaming Regulations*

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**Document No. DGR – 6**

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business days approved by the Gaming Regulatory Authority Board on June 25, 2008. Effective Date for changes June 25, 2008.

Changes to formatting where applicable; Change to IV sec. 1: Added: Such names shall be submitted no later than ten (10) business days from the date of the incident except for any damage to hotel rooms or property. Submission for damage to hotel rooms or property must be completed no later than thirty-five (35) calendar days.; Change to IV sec. 1(D): Deleted: *via Certified Mail*; Change to IV sec. 1(E): Deleted: *A copy of the certified mail receipt will be retained in the Candidate's file maintained by the Office of Gaming Regulation & Compliance (OGR&C)*; Change to VI sec. 1(D): Deleted: *1. Consistent disregard of or disrespect for staff and patrons of the Gaming Enterprise; 3. Failure to pay for services rendered at a Gaming Enterprise; 4. Any other illegal, disruptive, destructive or unruly behavior which represents a danger to the health, welfare, morals or enjoyment of the staff or patrons of a Gaming Enterprise, including but not limited to: habitual drunkenness; continuing use of foul language; any form of disorderly conduct; physical intimidation of patrons or staff; physical damage to property; and;* Change to VI sec. 1(D): Added: 3. Cheats; 4. Persons whose privileges for licensure have been revoked; and 5. Any other factor reasonably related to the maintenance of public confidence in the effectiveness of the regulatory process and the integrity of gaming operations, and its employees.; Change to VI sec. 1(G): Added: Is the subject of a request from the General Manager or designee to be placed on the Exclusion list and has engaged in any of the conduct described in Part VII, sec. 2.; Change to VII: Deleted: **TEMPORARILY**; Change to VII sec. 2: Added: The General Manager may seek to have an individual placed on the Exclusion List who poses a threat to the health, welfare, morals or enjoyment of patrons and employees by following the Procedures for Exclusion. Acts giving rise to individuals who pose a threat to the health, welfare, morals or enjoyment of patrons and employees shall include, but not be limited to: A. Consistent disregard of or disrespect for staff and patrons of the Gaming Enterprise; B. Failure to pay for services rendered at a Gaming Enterprise; and C. Any other illegal, disruptive, destructive or unruly behavior which represents a danger to the health, welfare, morals or enjoyment of the staff or patrons of a Gaming Enterprise, including but not limited to: habitual drunkenness; continuing use of foul language; any form of disorderly conduct; physical intimidation of patrons or staff; physical damage to property.; and Change to VII sec. 3: Added: or DGR 6 Part VII (2) approved by the Gaming Regulatory Authority Board on July 6, 2011. **Effective Date for changes July 6, 2011.**