



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

**Background Investigations:
Policy Regarding Felons and Other License Restrictions**

Document No. DGR – 7b

Effective: October 20, 2005

I. Background Investigations.

A. Review Required

Each person required to hold a gaming license pursuant to the Gaming Regulatory Act (hereinafter the “Act”) and any regulations promulgated thereunder shall be subject to a comprehensive background review prior to employment. Such review shall be conducted by the Director of the Office of Gaming Regulation and Compliance (hereinafter “Director”) or a designee, and shall include an examination of such person’s prior activities, criminal record, if any, and reputation, habits and associations so as to permit the Director (or designee) to determine the person’s eligibility for licensing.

B. Employment Prohibited

If it is determined that 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, a management contractor or Band Gaming Enterprise shall not employ such person in a position that requires a gaming license pursuant to the Act.

No Band Gaming Enterprise shall employ a person as a key employee, primary management official, or non-key employee who has supplied materially false or misleading information or who has omitted material information required by the Band’s Gaming Regulatory Act, the Compact, the Detailed Gaming Regulations or Section 556.4(a) of the Code of Federal Regulations.

II. Gaming Regulatory Authority Board Members Background / Investigation Procedures

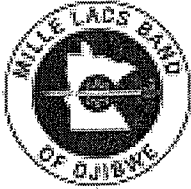
GRA Board members shall be subject to Background Investigation pursuant to 15 MLBSA § 302(c)(5).

- A. Band Assembly will have the authority to review a Board Member's prior activities, criminal record, if any, and reputation, habits and associations to make a final determination concerning the eligibility of licensing for a potential Board Member.
- B. If after the completion of the appointment process and Background investigation it is determined by Band Assembly that a potential Member is not eligible for office, the position will be filled pursuant to 15 MLBSA § 302(d)(4).
- C. All determinations of the Band Assembly are final and unappealable.

III. Felony/Gross Misdemeanor Convictions for Key Employee or Primary Management Official.

The Gaming Regulatory Authority Board (GRA Board) shall not license any applicant as a Key Employee, or Primary Management official who has been convicted (date of final disposition) of a felony or non-driving related gross misdemeanor within the five (5) year period preceding application for the following crimes:

- 1. Gambling Related Crimes;
- 2. Criminal Sexual Conduct (including but not limited to rape, attempted rape or any criminal sexual conduct with a juvenile);
- 3. Crimes of Violence (including but not limited to assault, attempted murder, murder, robbery, repeated pattern of



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- domestic abuse, repeated pattern of child abuse, etc.);
4. Theft, Larceny;
 5. Controlled Substances/Drug Offenses: If a period of five (5) years has lapsed since any violation of a felony or non-driving related gross misdemeanor has occurred, the GRA Board will consider it "Sufficient Rehabilitation" and allow the applicant to be considered for a Key or Primary Management position other than the Slots, Table Games, and Finance Departments.

IV. Pending Felony/Gross Misdemeanor Charges for Key Employee or Primary Management Official.

A. No Licensure

The GRA Board shall not license any applicant who has a felony or gross misdemeanor charge pending for the following crimes:

1. Gambling Related Crimes;
2. Criminal Sexual Conduct (including but not limited to rape, attempted rape or any criminal sexual conduct with a juvenile);
3. Crimes of Violence (including but not limited to assault, attempted murder, murder, robbery, repeated pattern of domestic abuse, repeated pattern of child abuse, etc.);
4. Theft, Larceny;
5. Controlled Substances/Drug Offenses.

B. Pending Felony Charges

The GRA Board shall suspend the Gaming License of any licensee charged with a felony pending the outcome of the criminal proceedings. If a finding of not guilty, or dismissal of the charges occurs, it is recommended that the licensee be considered for rehire if a vacancy exists.

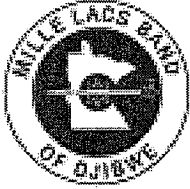
C. Duty to Report

Licensees shall report any felony, gross misdemeanor or non-driving related gross misdemeanor charges filed against them after initial employment to the Office of Gaming Regulation and Compliance within five (5) business days after the individual becomes aware that they have been charged with such an offense. Failure to report the filing of such a charge shall constitute separate grounds for suspension and/or revocation of a Gaming License, at the discretion of the GRA Board.

V. Felony/Gross Misdemeanor Convictions for Non-Key Employees.

The Gaming Regulatory Authority Board (GRA Board) shall not license any applicant as a Non-Key Employee who has been convicted (date of final disposition) of a felony/Gross Misdemeanor within the three (3) year period preceding application for the following crimes:

1. Gambling Related Crimes;
2. Criminal Sexual Conduct (including but not limited to rape, attempted rape or any criminal sexual conduct with a juvenile);
3. Crimes of Violence (including but not limited to assault, attempted murder, murder, robbery, repeated pattern of domestic abuse, repeated pattern of child abuse, etc.);
4. Theft, Larceny (including but not limited to theft by fraud, worthless checks, auto theft);
5. Controlled Substances/Drug Offenses.



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**VI. Pending Felony/Gross Misdemeanor
Charges for Non-Key Employees.**

A. No Licensure

The GRA Board shall not license any applicant who has a pending felony or gross misdemeanor charge for the following crimes:

1. Gambling Related Crimes;
2. Criminal Sexual Conduct (including but not limited to rape, attempted rape or any criminal sexual conduct with a juvenile);
3. Crimes of Violence (including but not limited to assault, attempted murder, murder, robbery, repeated pattern of domestic abuse, repeated pattern of child abuse, etc.);
4. Theft, Larceny; or
5. Controlled Substances/Drug Offenses.

B. Pending Felony Charges

The GRA Board shall suspend the Gaming License of any licensee charged with a felony pending the outcome of the criminal proceedings. If a finding of not guilty, or dismissal of the charges occurs, it is recommended that the licensee be considered for rehire if a vacancy exists.

C. Duty to Report

Licensees shall report any felony or non-driving related gross misdemeanor charges filed against them after initial employment to the Office of Gaming Regulation and Compliance within five (5) business days after the individual becomes aware that they have been charged with such an offense. Failure to report the filing of such a charge shall constitute separate grounds for suspension, denial and/or revocation of a Gaming License, at the discretion of the GRA Board.

VII. No-Hire Policy for Specific Crimes.

The GRA Board shall not license key employees, or Primary Management Officials in the Slots, Table Games, or Finance Departments, General Managers, or Department VP's who have ever been convicted of a felony or gross misdemeanor involving the following offenses:

- A. Gambling Related Crimes;
- B. Criminal Sexual Conduct (including but not limited to Rape, Attempted Rape, Criminal Sexual Conduct with a Juvenile);
- C. Crimes of Violence (including but not limited to Assault, Attempted Murder, Murder, Robbery, repeated pattern of Domestic Abuse, repeated pattern of Child Abuse);
- D. Theft (including but not limited to theft by fraud, worthless checks, auto theft);
- E. Misrepresentation (including but not limited to welfare fraud, falsification of documents, false identification, etc.);
- F. Controlled substances, drug distribution or manufacture.

VIII. Juvenile Record Not Considered.

The GRA Board shall not consider the juvenile criminal history of any applicant, unless the applicant was charged as an adult and the charges were so adjudicated.

**IX. Waiver of Sections III and V
Prohibitions.**

The restrictions in Sections III and V of this Policy shall not disqualify an applicant from employment if the GRA Board waives such restriction in writing after the applicant has demonstrated to the Board sufficient rehabilitation and present fitness to hold a license by showing the following:



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- A. A minimum of five (5) years with no conviction of any felony or gross misdemeanor of any kind (including driving related) for Key Employees and Primary Management Officials and a minimum of one (1) year with no conviction of any felony or gross misdemeanor of any kind (including driving related) for Non-Key Employees; and
- B. The passage of at least seven (7) years since the applicant completed any substantial period of incarceration for a Key Employee, or Primary Management Official and the passage of at least three (3) years since the applicant completed any substantial period of incarceration for a Non-Key Employee; and
- C. Affidavits from at least three (3) persons unrelated to the applicant, who have known him/her for at least the preceding five (5) years attesting to the rehabilitation; and
- D. For any alcohol or drug-related conviction, proof of regular attendance at a drug or alcohol treatment program, or aftercare program;
- E. For any crime described in Sections III or V, proof of full restitution as ordered by the court of jurisdiction;
- F. For any other crime referred to in Sections III or V, specific and sufficient rehabilitation as determined by the GRA Board. The Board may impose conditions on any license issued pursuant to this policy.

including all relevant information. The GRA Board shall have primary responsibility for the investigations and determinations made pursuant to this Policy. The GRA Board shall permit applicants/licensees to prove sufficient rehabilitation at Compliance Determination hearings. Any determinations made pursuant to this Policy may be appealed to the Court of Central Jurisdiction pursuant to the Appeal policies found at TAB 2 of these Detailed Gaming Regulations. Persons affected by this policy may petition in writing to the GRA Board no more frequently than once per calendar year.

History. Approved by Band Assembly on October 20, 2005.

Proof of the above shall be submitted to the Director who shall formulate a Compliance Recommendation to the GRA Board