



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

**BACKGROUND INVESTIGATIONS: ELIGIBILITY
REQUIREMENTS FOR LICENSURE**

Document No. DGR – 7b

Effective: April 24, 2014

I. BACKGROUND INVESTIGATIONS.

Section 1. Review Required. Each person required to hold a gaming license pursuant to Title 15 and any regulations promulgated thereunder shall be subject to a comprehensive background review prior to employment. Such review will be conducted by the Director of the OGR&C (hereinafter “Director”) or a designee, and will include an examination of such person’s prior activities, criminal record and reputation, habits and associations so as to permit the Director (or designee) to determine the person’s eligibility for licensing.

Section 2. 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 Gaming Enterprise shall not employ such person in a position that requires a gaming license.

Section 3. False, Misleading or Omitted Information. No 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 Title 15, the Tribal-State Compacts, the Detailed Gaming Regulations or 25 CFR § 556.4(a).

II. GAMING REGULATORY AUTHORITY BOARD MEMBERS BACKGROUND INVESTIGATION PROCEDURES.

Section 1. GRA Board members shall be subject to Background Investigation pursuant to 15 MLBSA § 302(c)(5).

Section 2. Band Assembly has the authority to review a Board Member's prior activities, criminal record, reputation, habits and associations to make a final determination concerning the eligibility of licensing for a potential Board Member.

Section 3. If after the completion of the appointment process and Background investigation Band Assembly determines that a potential Member is not eligible for office, the position will be filled pursuant to 15 MLBSA § 302(d)(4).

Section 4. All determinations of the Band Assembly are final and unappealable.

III. ELIGIBILITY REQUIREMENTS FOR LICENSURE FOR CLASS A PRIMARY MANAGEMENT OFFICIAL AND KEY GAMING LICENSE.

Section 1. Felony/Gross Misdemeanor Convictions. The GRA Board shall not issue a Class A Primary Management Official/Key Gaming License to any applicant who has been convicted (date of final disposition) of a felony or non-driving related (except for convictions that include homicide, neglect, or bodily injury) gross misdemeanor within the seven (7) year period preceding application.

Section 2. No Licensure for Specific Crimes. The GRA Board shall not issue a Class A Primary Management Official/Key Gaming License to any applicant who has ever been convicted of a felony or gross misdemeanor involving the following offenses:

A. Gambling;

B. Criminal Sexual Conduct Convictions (1st – 4th degree, including but not limited to rape, attempted rape, and criminal sexual conduct with a juvenile. 5th degree criminal sexual



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conduct convictions will require the licensee to follow the waiver process prior to being granted a license);

- C. Fraud or Embezzlement; or
- D. Misrepresentation.

Section 3. Pending Felony/Gross Misdemeanor Charges.

- A. **No Licensure.** The GRA Board shall not issue a Class A Primary Management Official /Key Gaming License to any applicant who has a felony or non-driving related gross misdemeanor charge pending. Active stays of adjudication for felonies and gross misdemeanors constitute pending charges.
- B. **Current Licensees.** The GRA Board shall suspend the Gaming License of any licensee charged with a felony or non- driving related (except those involving homicide, neglect or bodily injury) gross misdemeanor pending the outcome of the criminal proceedings. If a finding of not guilty, dismissal or reduction of the charges occurs, the Director may recommend reinstatement of the license.
- C. **Duty to Report.** Licensees shall report any felony or non-driving related gross misdemeanor charges filed against them after initial licensure to the OGR&C within five (5) business days of becoming aware they have been charged with such an offense. Failure to report the filing of such a charge constitutes grounds for suspension or revocation of a Gaming License, at the discretion of the GRA Board.

Section 4. Active Warrants. The GRA Board shall not issue a Class A Primary Management Official/Key Gaming License to any applicant who has an active warrant in any jurisdiction. The GRA Board shall suspend the Gaming License of any licensee who fails to resolve an active warrant within ten (10) business days of notification from the OGR&C. The Director may recommend reinstatement of the license following the resolution of the active warrant.

Section 5. Substantial Period of Incarceration. The GRA Board shall not issue a Class A Key Gaming License to any applicant who has not had the passage of at least seven (7) years since the applicant completed any substantial period of incarceration (any incarceration period exceeding 365 days).

Section 6. Waiver for Mille Lacs Band of Ojibwe Enrolled Members. The restrictions in Part III will not disqualify a Mille Lacs Band of Ojibwe Enrolled Member from licensure 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:

- A. A minimum of five (5) years with no conviction of any felony or non-driving related gross misdemeanor;
- B. The passage of at least five (5) years since the applicant completed any substantial period of incarceration;
- C. Notarized 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;
- D. The applicant may also submit a letter attesting to his/her rehabilitation;
- E. For any conviction, proof of compliance with any court ordered treatment program or aftercare program;



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- F. For any crime where fines or restitution is ordered by the court, the applicant should show proof of payment . Once licensed, the applicant shall provide the OGR&C proof they are making payments towards fines and restitution for at least three (3) months. Failure to provide proof of payment constitutes grounds for suspension of a Gaming License obtained through this Section;
- G. For any other crime, proof of sufficient rehabilitation as determined by the GRA Board. Applicants seeking a waiver must appear before the Board to attest to his/her rehabilitation. Applicants may file a written request to appear from any GRA office by phone;
- H. The Board may impose conditions on any license issued;
- I. The waiver process does not apply to applicants who have had a Gaming License revoked;
- J. The waiver process does not apply to the crimes listed in Part III Section 2, with the exception of 5th degree criminal sexual conduct convictions; and
- K. Nothing in this Section compels the GRA Board to grant a waiver.

**IV. ELIGIBILITY REQUIREMENTS FOR LICENSURE FOR CLASS B KEY GAMING
LICENSE**

Section 1. Felony/Gross Misdemeanor Convictions. The GRA Board shall not issue a Class B Key Gaming License to any applicant who has been convicted (date of final disposition) of a non-driving related felony or gross misdemeanor within the five (5) year period preceding application.

Section 2. No Licensure for Specific Crimes. The GRA Board shall not issue a Class B Key Gaming License to any applicant who has ever been convicted of a felony or gross misdemeanor involving the following offenses:

- A. Gambling;
- B. Criminal Sexual Conduct Convictions (1st – 4th degree, including but not limited to rape, attempted rape, and criminal sexual conduct with a juvenile. 5th degree criminal sexual conduct will require the licensee to follow the waiver process prior to being granted a license); or
- C. Embezzlement.

Section 3. Pending Felony/Gross Misdemeanor Charges.

- A. **No Licensure.** The GRA Board shall not issue a Class B Key Gaming License to any applicant who has a non-driving related felony or gross misdemeanor charge pending. Active stays of adjudication for felonies and gross misdemeanors constitute pending charges.
- B. **Current Licensee.** The GRA Board shall suspend the Gaming License of any licensee charged with a non-driving related felony or gross misdemeanor pending the outcome of the criminal proceedings. If a finding of not guilty, dismissal or reduction of the charges occurs, the Director may recommend reinstatement of the license.
- C. **Duty to Report.** Licensees shall report any non-driving felony or gross misdemeanor charges filed against them after initial licensure to the OGR&C within five (5) business days of becoming aware they have been charged with such an offense. Failure to report the filing of such a charge constitutes grounds for suspension or revocation of a Gaming License, at the discretion of the GRA Board.



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Section 4. Active Warrants. The GRA Board shall not issue a Class B Key Gaming License to any applicant who has an active warrant in any jurisdiction. The GRA Board shall suspend the Gaming License of any licensee who fails to resolve an active warrant within ten (10) business days of notification from the OGR&C. The Director may recommend reinstatement of the license following the resolution of the active warrant.

Section 5. Substantial Period of Incarceration. The GRA Board shall not issue a Class B Key Gaming License to any applicant who has not had the passage of at least five (5) years since the applicant completed any substantial period of incarceration.

Section 6. Waivers. The restrictions in Part IV will not disqualify an applicant from licensure 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:

- A. For enrolled Mille Lacs Band Members: a minimum of one (1) year with no conviction of any non-driving related felony or gross misdemeanor. For non-members: a minimum of three (3) years with no conviction of any non-driving related felony or gross misdemeanor;
- B. For enrolled Mille Lacs Band Members: the passage of at least one (1) year since the applicant completed any substantial period of incarceration. For non-members: the passage of at least three (3) years since the applicant completed any substantial period of incarceration;
- C. Notarized 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;
- D. The applicant may also submit a letter attesting to his/her rehabilitation;
- E. For any conviction, proof of compliance with any court ordered treatment program or aftercare program;
- F. For any crime where fines or restitution is ordered by the court, the applicant should show proof of payment. Once licensed, the applicant shall provide the OGR&C proof they are making payments towards fines and restitution for at least three (3) months. Failure to provide proof of payment constitutes ground for suspension of a Gaming License obtained through this Section;
- G. For any other crime, proof of sufficient rehabilitation as determined by the GRA Board. Applicants seeking a waiver must appear before the Board to attest to his/her rehabilitation. Applicants may file a written request to appear from any GRA office by phone;
- H. The Board may impose conditions on any license issued;
- I. The waiver process does not apply to applicants who have had a Gaming License revoked;
- J. The waiver process does not apply to the crimes listed in Part IV Section 2, with the exception of 5th degree criminal sexual conduct convictions; and
- K. Nothing in this Section compels the GRA Board to grant the waiver.

V. ELIGIBILITY REQUIREMENTS FOR LICENSURE FOR CLASS C NON-KEY GAMING LICENSE.

Section 1. Felony/Gross Misdemeanor Convictions. The GRA Board shall not issue a Class C Non-key Gaming License to any applicant who has been convicted (date of final disposition) of a



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non-driving related felony or gross misdemeanor within the two (2) year period preceding application.

Section 2. No Licensure for Specific Crimes. The GRA Board shall not issue a Class C Non-key Gaming License to any applicant who has ever been convicted of the following offense:

A. Criminal Sexual Conduct Convictions (1st – 4th degree, including but not limited to rape, attempted rape, and criminal sexual conduct with a juvenile. 5th degree criminal sexual conduct will require the licensee to follow the waiver process prior to being granted a license).

Section 3. Pending Felony/Gross Misdemeanor Charges.

A. **No Licensure.** The GRA Board shall not issue a Class C Non-key Gaming License to any applicant who has a non-driving related felony or gross misdemeanor charge pending. Active stays of adjudication for felonies and gross misdemeanors constitute pending charges.

B. **Current Licensees.** The GRA Board shall suspend the Gaming License of any licensee charged with a non-driving related felony or gross misdemeanor pending the outcome of the criminal proceedings. If a finding of not guilty or dismissal of the charges occurs, the Director may recommend reinstatement of the license.

C. **Duty to Report.** Licensees shall report any non-driving related felony or gross misdemeanor charges filed against them after initial licensure to the OGR&C within five (5) business days of becoming aware they have been charged with such an offense. Failure to report the filing of such a charge constitutes grounds for suspension or revocation of a Gaming License, at the discretion of the GRA Board.

Section 4. Active Warrants. The GRA Board shall not issue a Class C Non-key Gaming License to any applicant who has an active warrant in any jurisdiction. The GRA Board shall suspend the Gaming License of any licensee who fails to resolve an active warrant within ten (10) business days of notification from the OGR&C. The Director may recommend reinstatement of the license following the resolution of the active warrant.

Section 5. Substantial Period of Incarceration. The GRA Board shall not issue a Class C Non-key Gaming License to any applicant who has not had the passage of at least two (2) years since the applicant completed any substantial period of incarceration.

Section 6. Waivers. The restrictions in Part V will not disqualify an applicant from licensure 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:

A. For enrolled Mille Lacs Band Members: a minimum of six (6) months with no conviction of any felony or gross misdemeanor of any kind. For non-members: a minimum of one (1) year with no conviction of any felony or gross misdemeanor of any kind;

B. For enrolled Mille Lacs Band Members: the passage of at least six (6) months since the applicant completed any substantial period of incarceration. For non-members: the passage of at least one (1) year since the applicant completed any substantial period of incarceration;

C. Notarized 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;

D. The applicant may also submit a letter attesting to his/her rehabilitation;



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- E. For any conviction, proof of compliance with any court ordered treatment program or aftercare program;
- F. For any crime where fines or restitution is ordered by the court, applicant should show proof of payment . Once licensed, the applicant shall provide the OGR&C proof they are making payments towards fines and restitution for at least three (3) months. Failure to provide proof of payment constitutes grounds for suspension of a Gaming License obtained through this Section;
- G. For any other crime, proof of sufficient rehabilitation as determined by the GRA Board. Applicants seeking a waiver must appear before the Board to attest to his/her rehabilitation. Applicants may file a written request to appear from any GRA office by phone;
- H. The Board may impose conditions on any license issued;
- I. The waiver process does not apply to applicants who have had a Gaming License revoked;
- J. The waiver process does not apply to the crimes listed in Part V Section 2 with the exception of 5th degree criminal sexual conduct convictions; and
- K. Nothing in this section compels the GRA Board to grant the waiver.

VI. 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.

History.

Changes to grammar and formatting where applicable. Parts III, IV and V Section 4: added “The GRA Board shall suspend the Gaming License of any licensee who fails to resolve an active warrant within ten (10) business days of notification from the OGR&C. The Director may recommend reinstatement of the license following the resolution of the active warrant.” Parts III, IV and V Section 6(D): added “The applicant may also submit a letter attesting to his/her rehabilitation” Parts III, IV and V Section 6(F): “the applicant should show proof of payment or agrees to payroll deduction to pay owed restitution. Once licensed, the applicant shall provide the OGR&C proof they are making payments towards fines and restitution for at least three (3) months. Failure to provide proof of payment constitutes grounds for suspension of a Gaming License obtained through this Section”; Parts III, IV and V Section 6(G): added “Applicants may file a written request to appear from any GRA office by phone.” **CHANGES TO PART III: CLASS A GAMING LICENSE REQUIREMENTS:** Section 1: changes to the number of years that an applicant cannot have a Felony or non-driving related Gross Misdemeanor prior to application. Time frame cut to seven (7) years from ten (10). Section 3(A): added “non-driving related” before gross misdemeanor; added “Active stays of adjudication for felonies and gross misdemeanors constitute pending charges.” Section 4: added “The GRA Board shall suspend the Gaming License of any licensee who fails to resolve an active warrant within ten (10) business days of notification from the OGR&C. The Director may recommend reinstatement of the license following the resolution of the active warrant.” Section 5: reduced the period of time for the passage of any substantial period of incarceration from ten (10) to seven (7). Section 6(old): Waiver process for non-Mille Lacs Band Members removed. Section 6 (new): Waiver for Mille Lac Band of Ojibwe Enrolled Members. Added in (A): “non-driving related” before gross misdemeanor; Changed in (B): passage of time since any substantial period of incarceration from three (3) to five (5); Added in (C): “Applicants may also submit a letter attesting to his/her rehabilitation”; Added in (F): “Applicants seeking a waiver must appear before the Board to attest to his/her rehabilitation. Applicants may file a written request to appear by phone from a GRA office”; and Added (H): “The waiver process does not apply to applicants who have had a Gaming License revoked”. **CHANGES TO PART IV: CLASS B GAMING LICENSE REQUIREMENTS:** Section 2 – No Licensure for Specific Crimes: Removed from (C): Fraud Removed (D): Misrepresentation. Section 3 – Pending Felony/Gross Misdemeanor Charges. Added in (A): “Active stays of adjudication for felonies and gross misdemeanors constitute pending charges” Added in (B): “non-driving related” before felony. Section 6 – Waivers Waivers for Mille Lacs Band of Ojibwe Enrolled Members (MLBO) and waivers available to non-members have been combined for ease of reader. Changes in (B): period of time for the passage of completion of any substantial period of incarceration was changed from three (3) years to one (1) year for MLBO Enrolled Members. Non-MLBO Enrolled Members was changed from five (5) years to three (3) years;



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Added in (C): “Applicants may also submit a letter attesting to his/her rehabilitation”; Added in (F): “Applicants seeking a waiver must appear before the Board to attest to his/her rehabilitation. Applicants may file a written request to appear by phone from a GRA office”; and Added (H): “The waiver process does not apply to applicants who have had a Gaming License revoked”. **CHANGES TO PART V: CLASS C GAMING LICENSE REQUIREMENTS:** Section 1: Time period since any non-driving related felony or gross misdemeanor changed from three (3) years to two (2) years preceding application. Section 3 – Pending Felony/Gross Misdemeanor Charges. Added in (A): “Active stays of adjudication for felonies and gross misdemeanors constitute pending charges” Added in (B): “non-driving related” before felony. Section 5: reduced the period of time for the passage of any substantial period of incarceration from three (3) to two (2) years. Section 6 – Waivers Waivers for Mille Lacs Band of Ojibwe Enrolled Members (MLBO) and waivers available to non-members have been combined for ease of reader. Added (B): period of time for the passage of completion of any substantial period of incarceration: Six (6) months for MLBO Enrolled Members; One (1) year for Non-MLBO Enrolled Members; Added in (C): “Applicants may also submit a letter attesting to his/her rehabilitation”; Added in (F): “Applicants seeking a waiver must appear before the Board to attest to his/her rehabilitation. Applicants may file a written request to appear by phone from a GRA office”; and Added (H): “The waiver process does not apply to applicants who have had a Gaming License revoked”.

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