

TITLE 18
CHAPTER A
GAMING COMMISSION ORDINANCE

An ordinance of the Keweenaw Bay Indian Community adopted under the authority of the Constitution and By-Laws of the Keweenaw Bay Indian Community for the purpose of the creation and establishment of a Gaming Commission.

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SECTION ONE
GENERAL PROVISIONS AND DEFINITIONS

§§18A.101 Purpose.

The purpose of this Ordinance is the creation and establishment of a Gaming Commission. The Gaming Commission is the enforcement agency of the Gaming Laws and is responsible for the regulation of Gaming.

§18A.102 Definitions.

As used in this Ordinance the following words and phrases shall have the following meanings:

1. “Any Thing of Value” means any money or property, favor, gratuity, discount, service, payment, advance, forbearance, loan, gift, or promise of future employment. It includes services as well as gifts of transportation, travel, meals, and lodging, whether provided in-kind or as reimbursement after the expense has been incurred. It does not include anything paid for by a local, state, or the federal government or anything for which fair market value is paid by the recipient.
2. “CEO” means the Chief Executive Officer of the Community.
3. “CFO” means the Chief Financial Officer of the Community.
4. “Chairperson” means that person duly elected by the Commissioners from within its membership to act as the Chairperson of the Commission.
5. “Closely Related” means the father, mother, sibling, spouse or children of a Commissioner.
6. “Commission” means the Gaming Commission of the Community.
7. “Commissioner” means a member of the Gaming Commission.
8. “Community” means the Keweenaw Bay Indian Community.
9. “Conflict of Interest” means the reasonable foreseeability that any personal or economic interest of a Commissioner or of someone Closely Related to a Commissioner will be affected by any decision, enactment, agreement, award or other official action or function of the Commission.
10. “Contested Case” means a proceeding pursuant to the Hearing Procedures for Contested Cases in which the legal rights, duties or privileges of a party are required by this Ordinance to be determined by the Commission.

11. “Executive Director” means the Executive Director of the Commission.
12. “Gaming” means any activity, operation or game of chance as defined by the Gaming Laws.
13. “Gaming Establishment” means any location or structure within the jurisdiction of the Community, stationary or movable, wherein Gaming is permitted, promoted, performed, conducted, or operated. Gaming Establishment does not include the site of a fair, carnival, exposition, or similar occasion.
14. “Gaming Laws” means laws and regulations providing for the licensing and regulation of Gaming Establishments.
15. “Gaming Management” means the management of Gaming Establishments within the jurisdiction of the Community.
16. “Gaming Commission Regulations” means regulations adopted from time to time by the Commission to implement this Ordinance.
17. “Gaming Regulatory Ordinance” means the Gaming Regulatory Ordinance of the Keweenaw Bay Indian Community.
18. “Gaming Vendors” means vendors of Gaming Equipment or services, including cash-related services, to a Gaming Establishment or Operator with a value of \$5,000.00 or more annually.
19. “GED” means General Education Diploma.
20. “Hearing Procedures for Contested Cases” means hearing procedures for contested cases for the Commission.
21. “IGRA” or “Indian Gaming Regulatory Act” means Public Law 100-497, 102 Stat. 2426. 25 U.S.C.2701, et seq. (1988), as amended.
22. “Key Employee” means:
 - (a) A person who performs one or more of the following functions:
 - (i) Bingo caller;
 - (ii) Counting room supervisor;
 - (iii) Chief of security;
 - (iv) Custodian of gaming supplies or cash;
 - (v) Floor manager;
 - (vi) Pit boss;

- (vii) Dealer;
 - (viii) Croupier;
 - (ix) Approver of credit; or
 - (x) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
- (b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year;
- (c) If not otherwise included, the four most highly compensated persons in the Gaming Establishment; or
- (d) Any employee whom the Commission may by written notice classify as a Key Employee.
23. “Malfeasance” means a wrongdoing, an unlawful act or misconduct by a public official.
24. “Management” means the process of leading and directing a Gaming Establishment through the deployment and manipulation of resources (human, financial, material, intellectual or intangible) and includes the individuals charged with the responsibility of conducting this process.
25. “Management Contract” means any contract, subcontract or collateral agreement between the Community and a contractor or between a contractor and a subcontractor if the contract or agreement provides for the management of all or part of a Gaming Establishment.
26. “Misfeasance” means the commission of a lawful act in a wrongful manner.
27. “Net Proceeds” means gross gaming revenues less:
- (a) Amounts paid out as, or paid for, prizes; and
 - (b) Total gaming related operating expenses, excluding management fees.
28. “NIGC” means the National Indian Gaming Commission.
29. “Nonfeasance” means a failure to perform a duty when the necessity exists.
30. “Ordinance” means this Gaming Commission Ordinance.
31. “Primary Management Official” means:
- (a) The person having management responsibility for a Management Contract;
 - (b) Any person who has authority:
 - (i) To hire and fire employees; or
 - (ii) To set up an operating policy for the Gaming Establishment; or

(c) For financial management.

32. “Reservation” means all lands within the original confines of the L’Anse Federal Indian Reservation, reserved to the Community in the Treaty of 1854, and all other lands added thereto by Executive Order, federal statute or other legal action.

33. “Robert’s Rules of Order” means the current edition of Robert’s Rules of Order edited by John Sherman.

34. “Secretary” means that person duly elected by the Commissioners from within its membership to act as the Secretary of the Commission.

35. “Tribal” or “Tribally” means relating to the Community.

36. “Tribal Council” means the Tribal Council of the Community.

37. “Tribal Court” means the Tribal Court of the Community.

38. “Tribal Law” means the laws and regulations of the Community.

39. “Tribal/State Compact” means any gaming compact between the Community and the State of Michigan as authorized by the Indian Gaming Regulatory Act.

40. “Vice Chairperson” means that person duly elected by the Commissioners from within its membership to act as the Vice Chairperson of the Commission.

§18A.103 Location and Place of Business.

The Commission shall maintain its office(s) on the Reservation.

§18A.104 Duration

The Commission shall have perpetual existence unless dissolved under the laws of the Community.

§18A.105 Sovereign Immunity.

The Commission, its employees and agents, and the Commissioners shall have the same governmental privileges and immunities as the Community.

§18A.106 Assets of the Commission.

The Commission shall have only those assets specifically assigned to it by the Community or acquired in its name by the Community or by the Commission on its own behalf.

§18A.107 Repeal of Prior Laws.

All provisions included in the Keweenaw Bay Indian Community Gaming Ordinance, approved by the NIGC on March 3, 1994 and published in Volume 59, No. 42 of the Federal Register on pp. 10185-86, which pertain to the authority of the Tribal Council to exercise licensing, administrative, approval and other regulatory functions under said Ordinance, are hereby repealed.

§18A.108 Effective Date.

Subsections 18A.201 through 18A.208 of this Ordinance shall take immediate effect. The remaining sections and subsections of this Ordinance shall take effect on October 1, 2006.

SECTION TWO

APPOINTMENT, TERM OF OFFICE AND COMPENSATION

§18A .201 Number of Commissioners.

The Commission shall consist of three (3) members, each of whom shall be appointed to office by the Tribal Council.

§18A.202 Terms of Office.

Initially each Commissioner shall be appointed to serve a three (3) year term of office. At the expiration of the three (3) year term, the Commissioners shall be appointed to staggered terms of office as follows: one Commissioner shall be appointed for a one (1) year term of office, one Commissioner shall be appointed to a two (2) year term, one Commissioner shall be appointed to a three (3) year term,

§18A.203 Compensation.

The Commissioners shall be paid wages or stipends as determined by the Tribal Council.

§18A.204 Election of Officers.

(A) During its monthly meeting in January, the Commission shall, among others, elect its officers for the upcoming year. If there is more than one meeting of the Commission scheduled

for the month of January, the election meeting shall be the first meeting of the Commission in the month of January. At this meeting, the Commissioners shall elect from within its membership a Chairperson, a Vice Chairperson and a Secretary. The term of office for each officer shall be for a period of one year. A simple majority vote of the Commissioners is required for an officer to be elected. In the event an officer is unable or unwilling to serve the entire term or is removed from office, an interim election shall be held to fill the vacancy.

(B) The Chairperson shall have authority to conduct the meetings of the Commission and shall sign all orders and official correspondence on behalf of the Commission.

(C) In the absence of the Chairperson, the Vice Chairperson assumes the authority of the Chairperson.

(D) The Secretary performs administrative functions for the Commission. Among other functions, the Secretary shall administer oaths. When the Secretary is absent from a meeting or hearing, or otherwise unable to perform his or her duties, the Commission shall appoint an acting Secretary for the purpose of fulfilling these functions at the meeting or hearing.

§18A.205 Qualifications of Commissioners.

The Commissioners shall have at least the following qualifications:

(A) A Commissioner shall be an enrolled member of the Community and shall be at least twenty-five (25) years old.

(B) A Commissioner must pass a background test, drug screening, and pre-employment physical.

(C) No person shall serve as Commissioner if the person has been convicted of or entered a plea of guilty or no contest to a felony of any kind or a misdemeanor related to illegal gaming, bribery, drug abuse, or dishonest act.

(D) A Commissioner must have a high school diploma or GED.

(E) A Commissioner shall not have a Conflict of Interest unless such Conflict of Interest has been fully disclosed to the entire Commission and to the Tribal Council and both entities have approved or waived the Conflict of Interest, separately from each other and in duly adopted resolutions.

(F) A Commissioner must not hold any elected position within the Community while at the same time serving as Commissioner.

(G) A Commissioner must not hold the position of CEO or CFO while at the same time serving as Commissioner.

(H) A Commissioner shall not be an employee of the Commission.

(I) A Commissioner shall not be employed in any capacity by a Gaming Establishment.

(J) A Commissioner must have demonstrated extensive knowledge of federal Indian law, the Indian Gaming Regulatory Act and related statutes and regulations by possessing three (3) years experience in casino management, prior Gaming Commissioner, or related education in business, finance or law.

§18A.206 Requirements for Commissioners.

The Commissioners shall adhere to the following requirements:

(A) A Commissioner must not accept gifts or Any Thing Of Value from any source involving Gaming while serving as Commissioner.

(B) A Commissioner must not gamble in any Gaming Establishment subject to the provisions of this Ordinance or the Gaming Regulatory Ordinance while serving as Commissioner.

(C) The Community's drug free work policy.

(D) Complete a certification process within one year of appointment.

§18A.207 Removal of Commissioners.

A Commissioner may be removed by the Tribal Council for neglect of duty, malfeasance, misfeasance, nonfeasance, misconduct in office, or for any conduct that threatens the honesty or integrity of the Commission or otherwise violates any provision of this Ordinance, the Gaming Regulatory Ordinance, or any rules or regulations thereunder. Except as provided below, no Commissioner may be removed without notice and an opportunity for a hearing before the Tribal Council, and then only after the Commissioner has been given written notice of the specific charges at least ten days prior to such hearing. At any such hearing, the Commissioner shall have the opportunity to be heard in person or by counsel and to present witnesses on his or her behalf. If the Tribal Council determines that the immediate removal of a Commissioner is necessary to protect the interests of the Community, the Tribal Council may immediately remove the Commissioner on a temporary basis, and the issue of permanent removal shall be determined by formal hearing before the Tribal Council. A record of all

removal proceedings together with the charges and findings thereon shall be kept by the Secretary of the Tribal Council.

§18A.208 Filling of Vacancies.

If any Commissioner shall die, resign, be removed, or for any reason be unable to serve as a Commissioner, the Tribal Council shall declare his or her position vacant and shall appoint another person to fill the unexpired term of the vacant position.

§18A.209 Executive Director.

(A) The Commission shall hire an Executive Director who shall be responsible for the day-to-day monitoring of Gaming activities, including the implementation and enforcement of the Gaming Commission Regulations promulgated by the Commission.

(B) The Executive Director shall, subject to the approval of the Commission, perform all duties, exercise all powers, assume and discharge all responsibilities, and carry out and effect all purposes of this Ordinance, the Gaming Regulatory Ordinance, and any rules or regulations thereunder, related to the establishment of all Gaming activity. The duties of the Executive Director include, but are not limited to, the following:

- (1) Monitor the Gaming Establishments with respect to their compliance with the Gaming Laws.
- (2) Communicate with the NIGC as necessary and appropriate and ensure compliance with the rules and regulations of that agency where necessary.
- (3) Communicate with Gaming Management on behalf of the Commission.
- (4) Review with the Commission all records, documents, and anything else necessary and pertinent to the enforcement of any and all provisions of this Ordinance.
- (5) Recommend to the Commission whether sanctions should be imposed on any person subject to the provisions of this Ordinance.
- (6) Execute other responsibilities as imposed by the Gaming Laws or as directed by the Commission.

SECTION THREE
MEETINGS

§18A.301 Meetings.

A) The Commission shall hold at least one regularly scheduled monthly meeting that shall take place on the date and time determined by the Commission.

(B) Special meetings may be called at the request of the Chairperson. Special meetings may also be called with a three day notice by a simple majority of the Commissioners.

(C) If a Commissioner has unexcused absences for more than three consecutive meetings of the Commission, the Commissioner may be removed from his or her office by vote of the Commission. A record of all removal proceedings together with the charges and findings thereon shall be kept by the Secretary of the Commission and the record of the proceedings shall be transmitted to the Secretary of the Tribal Council.

(D) A quorum for all meetings shall consist of a simple majority of Commissioners.

(E) All questions arising in connection with the action of the Commission shall be decided by a simple majority vote. At the request of any Commissioner, a vote required by the Commission may be taken by secret ballot.

(F) Closed Sessions may be used when deemed necessary by a simple majority vote of the Commission. Closed Sessions are closed to all persons except members of the Commission, necessary staff as designated by the Commission and express invitees. Closed Sessions shall be commenced and adjourned by motion duly passed. No decisions shall be made in Closed Session. Use of Closed Sessions shall be limited to matters of personnel or other issues of a confidential or privileged nature.

(G) The meetings of the Commission shall be governed by Robert's Rules of Order.

(H) The President of the Tribal Council may attend all meetings of the Commission as an "ex officio" member of the Commission, but shall not have the authority to vote on any matter brought before the Commission and the presence of the President of the Tribal Council at any meeting shall not be counted for the purpose of determining a quorum.

SECTION FOUR
POWERS AND DUTIES
OF THE COMMISSION

§18A.401 Powers and Duties.

The Commission is hereby delegated the authority to exercise governmental functions of the Community for the purposes of regulating Gaming, including rule-making authority.

Notwithstanding the forgoing, the authority of the Commission shall not include the authority to enact laws or ordinances, which authority is reserved to the Tribal Council. The authority of the Commission shall include the power and duty to:

- (A) Issue, suspend, revoke and renew Gaming Establishment Licenses, Gaming Employee Licenses and Gaming Vendor Licenses
- (B) Issue citations and assess fines for violations of applicable Gaming Laws.
- (C) Conduct background investigations of applicants and licensees and provide that oversight of licensees is conducted on an ongoing basis. The Commission shall provide that all applications and background investigations are completed so that no person or entity shall be eligible for licensure or employment in or with any Gaming Establishment if that person's prior activities, criminal record, if any, or reputation, habits and associations (i) pose a threat to the public interest or to the effective regulation of Gaming, or (ii) create or enhance the dangers of unsuitable, unfair, or illegal practices, methods or activities in the conduct of Gaming.
- (D) Receive and review investigative reports from employees of the Commission and request additional information regarding such investigations, as needed, in the licensing and waiver process.
- (E) Cause completed employment applications and completed investigative reports for Primary Management Officials and Key Employees to be forwarded to the NIGC in accordance with the Gaming Laws.
- (F) Review an applicant's prior activities, criminal record if any, reputation, habits and associations, to make a finding concerning the eligibility of the applicant for licensing as operator or employee of a Gaming Establishment or vendor to a Gaming Establishment.
- (G) Require all Gaming Establishments to provide to the Commission, annually, an independent audit by a certified public accountant for review by the Commission. The

compensation for each certified public accountant shall be paid directly by the Gaming Establishment to the certified public accountant.

(H) Conduct, at its discretion, its own audit of all Gaming Establishments in addition to the outside audit provided for in Paragraph (G) above. Within two weeks after completion of the audit conducted by the Commission, the Gaming Establishment shall pay to the Commission all costs incurred by the Commission for the audit.

(I) May promulgate Gaming Commission Regulations from time to time.

(J) Monitor and regulate all Gaming activities for compliance with the Gaming Laws and shall have such access to Gaming Establishments and Gaming employees as necessary in order to enforce the Gaming Laws.

(K) Interact with other regulatory and law enforcement agencies regarding the regulation of Gaming.

(L) Conduct investigations of possible violations and take appropriate enforcement action with respect to the Gaming Laws.

(M) Provide independent reports to the Tribal Council on the status of all Gaming activities subject to the provisions of this Ordinance and the Gaming Regulatory Ordinance.

(N) Administer oaths, take testimony and conduct Contested Case hearings, including matters related to the revocation of Gaming Employee Licenses or any other licenses the Commission is authorized to issue.

(O) Maintain records on licenses and permits and on persons denied licenses or permits including persons otherwise prohibited from engaging in Gaming activities within the Community's jurisdiction.

(P) Establish or approve regulations for new games consistent with the requirements of the applicable Gaming Laws; provided, that this Paragraph (P) shall not apply to Class I games as defined in the Gaming Regulatory Ordinance.

(Q) Make determinations with regards to the classification of new games as Class I, Class II or Class III games as defined in the Gaming Regulatory Ordinance.

(R) Review from time to time the video surveillance standards as may be required by applicable Gaming Laws.

- (S) Commence proceedings under the Gaming Laws in any court of competent jurisdiction and arbitrate, compromise, negotiate or settle any dispute relating to the Commission's authorized activities.
- (T) With prior approval of the Tribal Council, make application and accept grants and other awards from private and governmental sources in carrying out or furthering the purposes of the Commission.
- (U) Require the filing of any records, forms and reports and all other information relating to any Gaming Establishment or any investigation as required by applicable Gaming Laws.
- (V) Submit to the Tribal Council on a regular basis minutes from all meetings of the Commission and a monthly status report on all activities of the Commission.
- (W) Provide for an internal system of record keeping with adequate safeguards for preserving confidentiality as deemed necessary by the Commission.
- (X) Adopt, from time to time, a schedule of fees to be charged for licenses issued pursuant to this Ordinance or the Gaming Regulatory Ordinance.
- (Y) Adopt, from time to time, a schedule of fees and charges for services rendered relating to transcripts and the furnishing or certifying of copies of proceedings, files and records.
- (Z) Issue orders requiring compliance with the Gaming Laws.
- (AA) Issue an order of temporary or permanent closure of any Gaming Establishment.
- (BB) Issue decisions in Contested Cases.
- (CC) Enter unannounced upon any premises of any Gaming Establishment for the purpose of conducting audits and inspections and examining accounts, books, records, papers and documents. Each Gaming Establishment shall facilitate such audits, inspections and examinations by giving every reasonable aid to the Commission.
- (DD) Issue subpoenas for the attendance of witnesses and subpoenas for the production of books, ledgers, records, memoranda, electronically retrievable data, and other pertinent documents, at Contested Case hearings pursuant to Chapter Six of this Ordinance.
- (EE) Adopt and implement Tribal Internal Control Standards (TICS) for the operation of all Gaming Establishments subject to this Ordinance and the Gaming Regulatory Ordinance. TICS shall be set out in separate regulations.

FF. Exercise all authority delegated to it or conferred upon it by law and take all action that shall be reasonably necessary and proper for carrying into execution the foregoing powers and all of the powers vested in the Commission by any of the Gaming Laws.

SECTION FIVE
MISCELLANEOUS

§18A.501 Bank Accounts.

The Commission shall establish and maintain such bank accounts as may be necessary for the Commission's operation consistent with Tribal internal controls related to money handling.

§18A.502 Investigations.

(A) The Commission, upon the Commission's own initiative or whenever the Commission may deem it necessary in the performance of its duties or the exercise of its powers, may investigate and examine the operation and premises of any Gaming Establishment that is subject to the provisions of the Gaming Laws.

(B) If, during any phase of the investigation, the Commission finds any potential violation of criminal law with regards to the operation of the Gaming Establishment, the Executive Director shall immediately notify the proper law enforcement authorities of such activities.

§18A.503 Confidential Information.

(A) The Commission shall maintain as confidential (a) all information specified as confidential by the Gaming Establishment or the Gaming Laws, (b) all information gathered in the background investigation and licensing process, (c) all financial information regarding performance of the Gaming Establishments subject to this Ordinance and (d) all personnel information concerning employees of the Gaming Establishment.

(B) Any violation of this confidentiality provision by a Commissioner or employee of the Commission shall subject the Commissioner or employee to disciplinary action by the Commission and may be deemed cause for suspension, revocation or termination of the Commissioner or the employee, as the case may be.

§18A.504 Record Keeping Requirements.

All applications, documents related to background investigations, decisions of the Commission and other documents related to the purpose and content of this Ordinance shall be retained in the Commission files for a period of at least three (3) years.

SECTION SIX
HEARING PROCEDURES FOR
CONTESTED CASES

§18A.601 Purpose.

All hearings held by the Commission pursuant to this Ordinance and the Gaming Regulatory Ordinance shall be conducted pursuant to the provisions of this Section. The hearings shall be private and closed and all matters occurring during the course of these hearings shall be confidential.

§18A.602 Petition.

(A) A person who seeks to commence a Contested Case before the Commission shall submit a written petition to the Executive Director. The petition shall set forth all of the following:

- (1) Facts or conduct that warrants a Contested Case.
- (2) Specific sections of applicable rules and statutes.
- (3) The remedies sought.
- (4) The identities of the persons involved.

(B) The Commission may commence a Contested Case on the Commission's own motion.

§18A.603 Answer.

(A) The respondent to the petition or complaint shall file an answer to the petition or complaint with the Executive Director no later than twenty (20) days after the respondent has been served with the petition or complaint.

(B) The answer shall be in writing and admit or deny the allegations contained in the petition.

§18A.604 Notice of Hearing.

(A) The Executive Director shall provide all parties involved in the proceeding with advance notice of the time, place and nature of the hearing. The hearing date shall be no less than sixty (60) days of the date of the petition or complaint.

(B) Service of the notice of the hearing shall be by personal service or by registered or certified mail, return receipt requested.

§18A.605 Procedural Rules.

(A) If the petitioner fails to appear at a hearing after proper service of notice, the Commission, if adjournment is not granted, shall dismiss the petition.

(B) If the respondent fails to appear at a hearing after proper service of notice, the Commission, upon motion by petitioner, may grant the relief requested upon showing of good cause therefore.

(C) A quorum of the Commission shall be required for the hearing. A simple majority of the members of the Commission shall constitute a quorum. The hearing may be adjourned from time to time until a quorum is obtained.

(D) All hearings shall be recorded or transcribed by the Secretary by tape recording or other mechanical device, for the purpose of the Commission's decision. A copy of the entire record or any part thereof shall be furnished to the parties upon written request therefore and payment of the costs thereof.

(E) The parties may be represented at the hearing by an attorney at the parties' own expense.

(F) The burden of proof shall be on the petitioner to present sufficient evidence to prove the petitioner's case by clear and convincing evidence. The petitioner shall present its argument and evidence first, followed by the respondent.

§18A.606 Evidentiary Rules.

(A) The Commission shall give effect to the rules of privilege recognized by law.

(B) Each party shall be afforded the opportunity to present evidence on issues of fact, and oral and written arguments on issues of law and policy during the hearing. The Commission shall give proper effect to evidence presented at the hearing.

(C) Each party may cross-examine the other party's witnesses.

(D) All evidence shall be part of the record in the case. No factual information not part of the record shall be considered in the determination of the case.

(E) The Commission shall require the production of any documents relevant to issues raised at the hearing if required by a party to the proceeding.

(F) Subject to the requirements of this Section, when a hearing must be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

§18A.607 Oaths-Subpoenas-Witness Fees-Depositions.

(A) The Commission shall administer oaths and take the testimony of any person under oath.

(B) The failure of a person to obey a subpoena issued pursuant to Subsection 18A.401(DD) may be punished as contempt of court as provided by tribal law.

(C) Fees for witnesses and the production of documents shall be as set forth by the Commission and shall be paid by the party for whom the witness is subpoenaed or for whom the documents are produced.

(D) The Commission shall have the power to depose witnesses.

§18A.608 Stipulated Disposition of Contested Cases.

Subject to Subsection 18A.401(S), an informal disposition of any Contested Case may be made by stipulation, agreed settlement, consent order, or default.

§18A.609 Ex Parte Consultation by the Commission.

Members of the Commission shall not communicate, directly or indirectly, in connection with any issue of fact or law, with any person or party or its representative involved in a Contested Case, except after notice and an opportunity for the other party to participate in the communication.

§18A.610 Decision.

(A) Within thirty (30) days of the hearing, the Commission, by a simple majority of its members present at the hearing, shall issue a written decision.

(B) The parties shall be notified by mail of the decision of the Commission. Upon request, a copy of the decision shall be delivered or mailed promptly to each party. If a party is represented by an attorney of record, the decision shall be mailed to the attorney of record.

§18A.611 Judicial Review.

A final decision of the Commission in a hearing conducted pursuant to this Section shall be appealable as of right on the record to the Tribal Court without the right of trial by a jury. An appeal of the decision of the Commission shall be filed with the Tribal Court within forty-five (45) days of receipt of the decision by the appealing party.

Motion by Doreen Blaker Seconded by Toni Minton

Ayes 11 Nays 0 Not Present 0

Adopted X (Yes) _____ (No)

Date: April 15, 2006