

TITLE 19. ESCHEAT AND ABANDONED PROPERTY

CHAPTER 1. DEFINITIONS

19 M.P.T.L. ch. 1 § 1

§ 1. Scope

The definitions in this Chapter shall apply to all actions under this Title.

19 M.P.T.L. ch. 1 § 2

§ 2. Definitions

a. "Abandoned Funds" means cash or cash equivalents, including securities, outstanding checks, unredeemed gift certificates and customer deposits, and excluding chips and tokens, and Racebook, Keno and slot tickets.

b. "Apparent Owner" means the person whose name appears on the records of the holder as the person entitled to the funds held by the holder, or his or her legal representative.

c. "Holder" means the Mashantucket Pequot Tribal Nation ("Tribe") or the Mashantucket Pequot Gaming Enterprise ("Gaming Enterprise"), as the case may be, in possession of property subject to this law that belongs to another.

d. "Gaming Enterprise Site" means that area defined in 4 M.P.T.L.

e. "Proper Authority" within the Gaming Enterprise site means the Security Department's Lost and Found office; outside the Gaming Enterprise site means the Security Desk in the building, the Mashantucket Pequot Tribal Police, or other authority established by the Tribe.

f. "Treasurer" means the Treasurer of the Mashantucket Pequot Tribal Council.

g. "Property" means anything of the value of \$25 or more, including items or articles of clothing, jewelry, sports equipment, cellular telephones, electronic devices, and computers, but excludes Abandoned Funds.

CHAPTER 2. ABANDONED PROPERTY

19 M.P.T.L. ch. 2 § 1

§ 1. On the Gaming Enterprise Site

Property found or located on the Gaming Enterprise Site shall be handled pursuant to the Lost and Abandoned Property policies and procedures of the Gaming Enterprise and, unless provided otherwise in such policies and procedures, shall be delivered to the Proper Authority within 24 hours.

19 M.P.T.L. ch. 2 § 2

§ 2. On the Mashantucket Pequot Reservation

a. Duty of Finder. Property found or located on the Mashantucket Pequot Reservation and outside of the Gaming Enterprise site shall be handled pursuant to the Lost and Abandoned Property policies and procedures of the

Tribe, and shall be delivered to the Proper Authority within 24 hours. At the time of delivery to the Proper Authority, the following information shall be obtained:

- (1) the date, time and place of the finding;
- (2) the name, address, and telephone number of the finder of the property or, if an employee, the employee's employee identification number and officer number; and
- (3) a description and relative value of the property.

b. Notice of Means of Recovery of Property. The Proper Authority of the Tribe shall provide its community a general notice indicating the time, place, and manner that lost or abandoned property may be recovered, but it is not required to advertise a description of any property it receives. The Proper Authority of the Tribe shall retain custody of the property for three months from the date of receipt thereof, unless it is claimed by the owner within the three-month period. Perishable, obnoxious, dangerous or harmful articles may be sold or otherwise disposed of as soon as practicable on the best terms available.

c. Restoration to Owner if Claimed. If the owner of the property claims it within the three-month period, the property or the proceeds from the sale or other disposition thereof shall be restored to the owner upon payment or deduction of all proper charges.

19 M.P.T.L. ch. 2 § 3

§ 3. Procedure if Unclaimed

a. If the owner fails to claim the property within the three-month period, the property or the proceeds from the sale or other disposition thereof shall become the property of the Tribe.

b. Unclaimed property at the Gaming Enterprise site shall be disposed of pursuant to the Gaming Enterprise's Lost and Abandoned Property Policy and Procedures.

c. Unclaimed property elsewhere on the Mashantucket Pequot Reservation may be disposed of by the Proper Authority through sale or other proper means of disposition, provided that a notice of such sale or other means of disposition to the tribal community shall be posted and that such notice shall include:

- (1) the date and time of the sale;
- (2) a list and description of all property to be disposed of;
- (3) a statement that all property to be sold or otherwise disposed of has been abandoned on the Mashantucket Pequot Reservation for at least three months and has remained unclaimed by any owner;
- (4) a statement that the proceeds from the sale or other means of disposition will be deposited into the Mashantucket Pequot Endowment Trust Fund and the "Silver Lining" Fund.

d. The net proceeds from the disposition of the unclaimed property shall be deposited into the Mashantucket Pequot Endowment Trust Fund and the "Silver Lining" Fund in equal amounts.

CHAPTER 3. ESCHEAT OF ABANDONED FUNDS

19 M.P.T.L. ch. 3 § 1

§ 1. Presumption of Abandonment

a. Funds held by the Tribe or the Gaming Enterprise in or for any account are presumed to be abandoned if the account has been inactive for more than three years, unless the owner has made a claim to or otherwise indicated an interest in the funds. The length of time the funds have been held as of the effective date of this law shall be included in determining the three year period.

b. De minimis Exception. Any account presumed abandoned or one which has become inactive for more than three years which has an amount equal to or less than \$50 shall be considered de minimis and will be exempted from the requirements of this law.

19 M.P.T.L. ch. 3 § 2

§ 2. Duties of Holder of Abandoned Funds

a. Within one year before a presumption of abandonment is to take effect with respect to any funds, the holder shall give notice to the Apparent Owner thereof by first class mail directed to the Apparent Owner's last-known address, advising that evidence of the Apparent Owner's interest in the funds shall be indicated or the funds will become property of the Tribe. If the Apparent Owner of Abandoned Funds is an active employee of the Tribe or Gaming Enterprise, the Holder may attach written notice to such employee's current pay stub in lieu of first class mail. The Holder shall maintain adequate record of all notices given to Apparent Owner evidencing compliance with this Section.

b. Once a presumption of abandonment has taken effect, the Holder shall provide the Treasurer with a report indicating the status of the funds held and the status of the inactive account. A copy of this report shall be provided to the Tribe's Department of Finance. Each report shall include:

- (1) the name, if known, of each person appearing to be the owner of the funds;
- (2) the dollar amount of the funds;
- (3) the nature, description and identifying number of the account in which the funds were held;
- (5) any other information as the Treasurer may require.

c. Together with the report to the Treasurer, the Holder shall deliver funds that are presumed to be abandoned to the Tribe's Department of Finance.

d. The Treasurer and Department of Finance shall keep a permanent record of all submitted reports and deposited funds.

19 M.P.T.L. ch. 3 § 3

§ 3. Disposition of Funds Received by Treasurer

Any funds subject to the provisions of this chapter shall be deposited into the Mashantucket Pequot Endowment Trust Fund and into the "Silver Lining" Fund up to \$20,000.

§ 4. Claims for Abandoned Funds

a. Any person claiming an interest in funds subject to the provisions of this Chapter may claim such funds within two years from the date such funds were delivered to the Department of Finance. That person shall file a written claim with the Treasurer or the Department of Finance, setting forth the facts upon which that person claims to be entitled to recover the funds. The Treasurer may prescribe the form that the written claim shall take.

b. The Treasurer or his designee shall consider each claim within 90 days after it is filed. The Treasurer may hold hearings on any claim. The Treasurer shall deliver a decision in writing on each claim heard, with a finding of fact and a statement of the reasons for the decision. Any person aggrieved by a decision of the Treasurer may appeal to the tribal court, which review shall be limited to the record before the Treasurer.

c. The Treasurer shall pay each claim allowed without deduction for costs and without interest.

d. The procedures of this Section shall be the exclusive remedy available to any person claiming an interest in funds that were delivered to the Department of Finance under the provisions of this Chapter.

e. All Abandoned Funds remaining unclaimed 24 months after the date of the report to the Treasurer is filed, as set forth under Section 2(b) of this Chapter, shall become the property of the Tribe and no longer eligible for claim of recovery under this Section.