

TITLE 3. GAMING

CHAPTER 1. GAMING LAW

3 M.P.T.L. ch. 1 § 1

§ 1. Statement of Policy

It is the purpose of this Law to provide for the sound regulation of all gaming activities on lands within the jurisdiction of the Mashantucket Pequot Tribe, in order to protect the public interest in the integrity of such gaming activities, to prevent improper or unlawful conduct in the course of such gaming activities, and to promote the development of a balanced tribal economy by dedicating all of the net revenues from such gaming activities to the public purposes of the Tribe.

3 M.P.T.L. ch. 1 § 2

§ 2. Definitions

For purposes of this Law:

a. "Act" means the Indian Gaming Regulatory Act, Pub.L. 100-497, 25 U.S.C. § 2701 et seq.

b. "Chairman" means the Chairman of the Mashantucket Pequot Tribal Gaming Commission established pursuant to this Law.

c. "Class II gaming" means Class II gaming as defined in accordance with the Act, 25 U.S.C. § 2703(7)(A).

d. "Class III gaming" means Class III gaming as defined in accordance with the Act, 25 U.S.C. § 2703(8).

e. "Commission" means the Mashantucket Pequot Tribal Gaming Commission established by this Law.

f. "Compact" means the Final Mashantucket Pequot Gaming Procedures promulgated by the United States as further prescribed by the Secretary of the Interior in accordance with the Indian Gaming Regulatory Act as the procedures under which Class III gaming may be conducted on Indian lands over which the Tribe has jurisdiction, and published at 56 Fed. Reg. 24996 (May 31, 1991).

g. "Enterprise" means the Mashantucket Pequot Gaming Enterprise established by the Tribe to conduct all gaming operations of the Tribe on the Reservation.

h. "Executive Director" means the Executive Director of the Mashantucket Pequot Tribal Gaming Commission established pursuant to this Law.

i. "Gaming facilities" means any room or rooms in which Class II gaming or Class III gaming is conducted on the Reservation.

j. "National Indian Gaming Commission" means the National Indian Gaming Commission established pursuant to 25 U.S.C. § 2704.

k. "Net revenues" means gross revenues of a Class III gaming activity less amounts paid out as, or paid for, prizes and total operating expenses including debt service but excluding management fees paid to a management contractor within the meaning of 25 U.S.C. § 2711(c).

l. "Law" means this Mashantucket Pequot Tribal Gaming Law.

m. "State" means the state of Connecticut.

n. "State Gaming Agency" means the Division of Special Revenue or such other agency as the State may establish to carry out the regulatory responsibilities of the State under the Compact.

o. "Tribe" means the Mashantucket Pequot Tribe.

3 M.P.T.L. ch. 1 § 3

§ 3. Adoption of Compact

In accordance with Section 13(d) of the Compact, the Compact is hereby incorporated within and enacted as an integral part of this Law with respect to all forms of Class III gaming, and the Compact including the appendices thereto is appended to and made a part of this Law as if set forth in full herein; provided, however, that nothing in the adoption of the Compact herein shall be deemed to affect the operation by the Tribe of any Class II gaming, whether conducted within or without the gaming facilities, or to confer upon the state any jurisdiction over such Class II gaming conducted by the Tribe on its Reservation.

3 M.P.T.L. ch. 1 § 4

§ 4. Authorization for Gaming Activities

a. Forms of Class III gaming authorized. The Enterprise on behalf of the Tribe may conduct the following types of Class III gaming:

(1) The following games of chance:

(a) Blackjack;

(b) Poker;

(c) Dice;

(d) Money-wheels;

(e) Roulette;

(f) Baccarat;

(g) Chuck-a-luck;

(h) Pan game;

(i) Over and Under;

- (j) Horse race game;
 - (k) Acey-ducey;
 - (l) Beat the dealer; and
 - (m) Bouncing ball.
- (2) Any bazaar game not listed in subsection (a) (1), but only if conducted solely for merchandise prizes;
- (3) Any lottery game;
- (4) Off-track pari-mutuel betting on animal races;
- (5) Pari-mutuel betting, through simulcasting, on animal races;
- (6) Pari-mutuel betting on jai alai games conducted on the Reservation;
- (7) Pari-mutuel betting on dog racing conducted on the Reservation;
- (8) Pari-mutuel betting on horse racing conducted on the Reservation, but only to the extent authorized in accordance with Section 15 of the Compact;
- (9) Video facsimiles of any game of chance listed in subsection (a) (1), but only to the extent authorized in accordance with Section 15 of the Compact;
- (10) Telephone betting on any lottery game, but only to the extent authorized in accordance with Section 15 of the Compact; and
- (11) Off-track pari-mutuel telephone betting on animal races, but only to the extent authorized in accordance with Section 15 of the Compact.

b. Authority for Class II gaming. In addition to the forms of Class III gaming authorized pursuant to Section (a) hereof, the Tribe shall be authorized to conduct all forms of Class II gaming on the Reservation, including without limitation any form of bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith), pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo so long as played at the same location as bingo.

3 M.P.T.L. ch. 1 § 5

§ 5. Compliance with the Act

This Law shall be construed in a manner which conforms to the Act in all respects, and if inconsistent with the Act in any manner, the provisions of the Act shall govern.

a. Limitation on gaming operations. In compliance with 25 U.S.C. § 2710(b) (2) (A), the Tribe shall have the sole proprietary interest and responsibility for the conduct of any gaming activity on the Reservation; provided, however, that nothing herein shall interfere with the exercise by any secured party of its rights under any collateral lease, leasehold mortgage or other financing agreement with the Tribe to enforce its security interests in the premises on which such gaming activities may be conducted, or to enforce its rights against gross revenues of the Tribe from its gaming

activities for the purpose of repayment of the debt obligations of the Tribe to such secured party in accordance with the provisions of such agreements.

b. Application of net revenues. In compliance with 25 U.S.C. § 2710(b)(2)(B), net revenues from any gaming activity are not to be used for purposes other than:

- (1) to fund tribal government operations or programs;
- (2) to provide for the general welfare of the Indian tribe and its members;
- (3) to promote tribal economic development;
- (4) to donate to charitable organizations; or
- (5) to help fund operations of local government agencies of the State and its political subsections.

c. Annual audit. In compliance with 25 U.S.C. § 2710(b)(2)(C) and (D), all gaming activities shall be subject to an audit by independent certified public accountants, not less than annually, and copies of the annual audit shall be provided to the National Indian Gaming Commission. All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional, legal or accounting services) relating to Class II or Class III gaming shall be subject to such audits.

d. Public safety standards. In compliance with 25 U.S.C. § 2710(b)(2)(E), the construction and maintenance of any gaming facilities, and the operation of gaming activities, shall be conducted in a manner which adequately protects the environment and the public health and safety and for that purpose shall comply with the requirements of Sections 13(a), 14(a) and 14(c) of the Compact and all other applicable health, safety and environmental standards enacted by the Tribe. Those standards generally imposed by the laws and regulations of the State relating to public facilities with regard to building, sanitary, and health standards and fire safety shall be deemed to be incorporated by this Law as the laws of the Tribe applicable to the gaming facilities of the Tribe. Those standards generally imposed by the laws and regulations of the State relating to public facilities with regard to water discharges shall be deemed to be incorporated by this Law as the laws of the Tribe applicable to the gaming facilities of the Tribe; provided, however, that to the extent that federal water discharge standards specifically applicable to the Reservation would preempt such State standards, such federal standards shall govern. The Commission established by this Law shall be empowered to enforce these requirements as provided in Section 7 hereof.

e. Background investigations. In compliance with 25 U.S.C. § 2710(B)(2)(F):

- (1) all Class III gaming employees, as defined in the Compact, including all primary management officials and key employees of any Class III Gaming Enterprise, together with such Class II gaming employees as are required by the Enterprise to secure such licenses, shall be subject to the State licensing requirements of the Compact as set forth in Section 5 of the Compact, which include requirements for background investigations and ongoing review including annual renewal of such State licenses for all gaming employees. The Tribe shall notify the National Indian Gaming Commission of the results of the State licensing process for its primary management officials and key employees in accordance with such regulations or procedures as the National Indian Gaming Commission may establish;

(2) all Class II gaming employees who are not licensed by the State as gaming employees pursuant to the Compact shall be required to obtain a license as a gaming employee from the Commission established pursuant to this Law, and for that purpose the Commission shall conduct background investigations of all such employees and shall deny or revoke such licenses for any employee whose prior activities, criminal records if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming. The Commission shall notify the National Indian Gaming Commission of the results of its background investigation for the primary management officials and key employees of its Class II gaming operations who are not licensed by the State as gaming employees pursuant to the Compact, and of the results of the State licensing process for such primary management, officials and key employees who are licensed by the State as gaming employees pursuant to the Compact, in accordance with such regulations or procedures as the National Indian Gaming Commission may establish.

3 M.P.T.L. ch. 1 § 6

§ 6. Penalties

Any individual who violates any provision of this Law, including the provisions of the Compact incorporated herein, shall be subject to civil penalties including exclusion from employment by any tribal Gaming Enterprise, exclusion from attendance at any tribal gaming facility, exclusion from the Reservation if a non-member of the Tribe, or, with respect to any person subject to the jurisdiction of the Tribe to impose such fines, a fine of not more than \$500 for each such violation. The Commission established pursuant to this Law shall have the jurisdiction to impose any such penalties on any person within the jurisdiction of the Tribe to impose such penalties.

3 M.P.T.L. ch. 1 § 7

Section 7. Tribal Gaming Commission

a. Establishment of Commission. There shall be established a Mashantucket Pequot Tribal Gaming Commission consisting of a chairman, vice chairman and three other members who shall be appointed by the Tribal Chairman with the advice and consent of the Tribal Council, at least three of whom shall be members of the Tribe, but none of whom shall be employees or directors of the Enterprise, and who shall each serve for a term of three years commencing on the date of their appointment; provided, that the initial members so appointed shall serve for terms deemed to commence on January 31, 1993 and one of the initial members appointed shall be designated to serve for an initial term of one year and one of the initial members appointed shall be designated to serve for an initial term of two years. No less than three members of the Commission shall serve on a full time basis. The Commission shall establish the compensation of members of the Commission with approval of the Tribal Council. Full-time members of the Commission, who are Tribal members may be removed for cause by a vote of a majority of the members of the Tribal Council then in office, and upon expiration of their term they shall be reappointed unless the Tribal Council finds cause not to reappoint said members. Members of the Commission who are part time or are not tribal

members may be removed by the Tribal Council with or without cause. Vacancies in the Commission shall be filled by the Tribal Council. No member or employee of the Commission shall participate as a player in any gaming activity conducted by the Tribe.

b. Powers and duties of Commission. The Commission shall have the following powers and duties:

(1) The Commission shall have primary responsibility for oversight of tribal gaming operations to assure the integrity of such operations and shall, for that purpose, employ non-uniformed inspectors who shall be present in all gaming facilities during all hours of operation and who shall be under the sole supervision of the Commission and not to any management employees of the tribal gaming operations. Such inspectors shall have unfettered access to all areas of the gaming facilities at all times, and personnel employed by the Enterprise shall for such purposes provide such inspectors access to locked and secured areas of the gaming facilities in accordance with the standards of maintenance and operation promulgated pursuant to the Compact. Such inspectors shall report to the Commission regarding any failure by the Enterprise to comply with any of the provisions of the Compact or this Law and any other applicable laws of the Tribe. Inspectors assigned by the Commission shall also receive consumer complaints within the gaming facilities and shall assist in seeking voluntary resolution of such complaints. Inspectors appointed by the Commission shall be licensed as gaming employees by the State in accordance with the Compact.

(2) The Commission may on its own initiative investigate any aspect of the operations of the Enterprise in order to protect the public interest in the integrity of such gaming activities and to prevent improper or unlawful conduct in the course of such gaming activities, and shall investigate any report of a failure of the Enterprise to comply with the provisions of the Compact or this Law and may require the Enterprise to take any corrective action deemed necessary by the Commission upon such terms and conditions as the Commission may determine appropriate. The Commission may compel any person employed by or doing business with the Enterprise to appear before it and to provide such information, documents or other materials as may be in their possession to assist in any such investigation.

(3) The Commission shall carry out each of the responsibilities and duties set forth for the tribal gaming agency in the Compact and in the Standards of Operation and Management.

(4) The Commission shall prepare a plan for the protection of public safety and the physical security of patrons in each of its gaming facilities, following consultation and agreement with the state police, setting forth the respective responsibilities of the Commission, the security department of the Enterprise, any tribal police agency, and the state police.

(5) The Commission shall review and approve floor plans and surveillance systems for each gaming facility and shall confer with the State gaming agency regarding the adequacy of such plans and systems.

(6) The Commission shall establish and revise Standards of Operation and Management for Class III gaming activities in accordance with the Compact.

(7) The Commission may issue and revoke licenses for Class II gaming employees in accordance with Section 5(e) (ii) of this Law.

(8) The Commission may issue and revoke licenses to any person providing gaming equipment to the Class II gaming operations of the Enterprise who is not otherwise registered as a gaming service enterprise by the State pursuant to the Compact and who transacts business with the Enterprise with a value in excess of \$50,000 within any two year period. No person shall transact such business without a valid license from the Commission. For purposes of such licensing, the Commission shall apply the same standards as are applied to gaming service enterprises registered by the State pursuant to the Compact. The Commission may conduct such investigation into such enterprises as it deems necessary or appropriate to satisfy such standards.

(9) The Commission shall establish a list of persons barred from the gaming facilities because their criminal history or association with career offenders or career offender organizations poses a threat to the integrity of the gaming activities of the Tribe.

(10) The Commission shall approve the rules of each game of chance operated by the Tribe pursuant to Section 7 of the Compact and shall in accordance with the provisions of the Compact notify the State Gaming Agency of such rules and of any change in such rules.

(11) The Commission shall enforce the health and safety standards applicable to the gaming facilities of the Enterprise in accordance with Section 5(d) of this Law. Prior to the opening of any facility for Class III gaming, the Enterprise shall obtain a certificate of compliance from the Commission relating to the Class III gaming facilities. The Commission shall issue a certificate of compliance to the Enterprise upon a determination that the gaming facilities of the Enterprise comply with such standards.

(12) The Commission may impose penalties for violations of this Law, the Compact or the Standards of Operation and Management in accordance with Section 5 of this Law.

(13) The Commission may in the name of the Tribe bring any civil action or criminal complaint in the courts of the State or the United States to enforce the provisions of this Law or to enjoin or otherwise prevent any violation of this Law, the Act or the Compact, occurring on the Reservation.

(14) The Commission may receive any complaint from an employee of the Enterprise or any member of the public who is or claims to be adversely affected by an act or omission of the Enterprise which is asserted to violate this Law, the Compact, or the Standards of Management and Operation adopted pursuant to this Law, and may upon consideration of such complaint order such remedial action as it deems appropriate to bring the Enterprise into compliance with such provisions. The Commission may for this purpose, in its sole discretion, conduct a hearing and receive evidence with regard to such complaint if it deems an evidentiary proceeding useful in the resolution of such complaint.

(15) The Commission may adopt an annual operating budget which shall be subject to the approval of the Tribal Council and may in accordance with

said budget employ such staff from time to time as it deems necessary to fulfill its responsibilities under this Law, and may retain legal counsel and other professional services including investigative services to assist the Commission with respect to any of the issues over which the Commission exercises jurisdiction. The expenses of the Commission in accordance with such budget shall be assessed against the Enterprise and the Enterprise shall pay such assessments to the Tribe.

c. Chairman.

(1) The Tribal Council shall appoint the Chairman of the Commission who shall serve on a full-time basis. The Executive Director or any other member of the Commission acting in the absence of the Chairman may, whenever he deems it necessary to protect the public interest in the integrity of tribal gaming operations, issue in the name of the Commission any order which the Commission has the power to issue, to the Enterprise or to any employee or contractor of the Enterprise or to any other person within the jurisdiction of the Tribe, to take any action or cease and desist from any action as may be required to protect to the public interest; provided, that such order shall be subject to review by the Commission at its earliest opportunity, whereupon it may be confirmed or vacated by the Commission.

(2) Vice Chairman. The Vice Chairman shall, in the absence of the Chairman, have all the powers and duties of the Chairman as described herein.

d. Executive Director.

The Commission shall appoint an individual to serve as a full time Executive Director of the Commission to administer its responsibilities on a day to day basis and to oversee inspectors appointed by the Commission as well as such other staff as the Commission may from time to time employ. The Executive Director's role shall include coordination of the functions of the Commission with the state police and the State Gaming Agency. The Chairman may request the executive director to conduct a preliminary investigation and render a recommendation to the Commission with respect to the grant or denial of any license, the imposition of any penalty, the investigation of any complaint, or any other action within the jurisdiction of the Commission. The executive director shall have the power, in the name of the Commission, to conduct any hearing, investigation or inquiry, compel the production of any information or documents, and otherwise exercise the investigatory powers of the Commission, which the Commission may exercise under this Law or, in the alternative, assign the responsibilities of the Executive Director to various supervisory positions.

e. Procedures of the Commission.

(1) Regular meetings of the Commission may be held upon such notice, or without notice, and at such time and place as shall from time to time be fixed by the Commission. Unless otherwise specified by the Commission, no notice of such regular meetings shall be necessary.

(2) Special meetings of the Commission may be called by the chairman or the executive director. The person or persons calling the special meeting shall fix the time and place thereof. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Commission need to be specified in the notice of the meeting.

(3) At any meeting of the Commission, a majority of the members then in office shall constitute a quorum for the transaction of business. The vote of a majority of the members present at a meeting at which a quorum is present shall be the act of the Commission. The chairman shall preside at all meetings of the Commission unless the Chairman designates another member to preside in his absence.

(4) Any action required or permitted to be taken at a meeting of the Commission may be taken without a meeting if all of the members sign written consents setting forth the action taken or to be taken, at anytime before or after the intended effective date of such action. Such consents shall be filed with the minutes of the Commission and shall have the same effect as a unanimous vote or resolution of the Commission at a legal meeting thereof. Any such action taken by unanimous written consents may, but need not be, set forth in such consents in the form of resolutions or votes.

(5) Members of the Commission may participate in a meeting of the Commission by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting in such matter by any member who does not object at the beginning of such meeting to the holding thereof in such manner shall constitute presence in person at such meeting.

(6) No action of the Commission to impose a penalty pursuant to Section 5 of this Law, or to revoke a license for a gaming employee previously issued by the Commission, shall be valid unless the person affected is given at least seven days notice of the proposed action and the opportunity to appear and be heard before the Commission, either in person or through a representative or legal counsel, and to submit such evidence as the Commission deems relevant to the matter at issue; provided, that if the Commission deems it necessary to protect the public interest in the integrity of the gaming activities, the Commission may take such action with immediate effect as it deems required, and shall thereupon provide notice and an opportunity to be heard to the affected person as soon as is reasonably practicable following such action. Any person who is denied an initial gaming employee license or who is barred from the gaming facilities by action of the Commission may request a hearing before the Commission by written request submitted within 30 days following receipt of notice of the action of the Commission, and the Commission shall thereupon afford an opportunity to appear and be heard before the Commissions either in person or through a representative or legal counsel, and to submit such evidence as the Commission deems relevant to the matter at issue and thereafter the Commission shall either affirm or reconsider its decision. Any hearing conducted under this subsection may at the direction of the Commission be conducted by the executive director or by one or more members of the Commission designated by the Commission for that purpose.

(7) The Commission may adopt such additional procedures and rules as it deems necessary or convenient to govern its affairs and which are consistent with this Law.

§ 8. Standards of Operation and Management

- a. Games of Chance. The initial Standards of Operation and Management for games of chance adopted in accordance with Section 7(a) of the Compact shall be those set forth as Appendix A of the Compact.
- b. Pari-mutuel Wagering. The initial Standards of Operation and Management for pari-mutuel wagering adopted in accordance with Section 8(a) of the Compact shall be those set forth as Appendix B of the Compact.
- c. Lottery Games. The initial Standards of Operation and Management for lottery games adopted in accordance with Section 9(a) of the Compact shall be those set forth as Appendix C of the Compact.
- d. Class II Games. The Commission shall adopt Standards of Operation and Management for Class II games and, pending such adoption, may direct the Enterprise to comply with such standards as the Commission may determine necessary to protect the integrity of such Class II games. The standards of operation and management for Class II games shall provide, at a minimum, that:

- (1) no person under the age of 18 shall be permitted to participate in any Class II gaming operations as an employee, contractor or player;
- (2) the Enterprise shall establish the rules of each game by which the game will be conducted and the winner or winners determined in advance of such game, and such rules shall be visibly displayed or available in pamphlet form in the gaming facility.

3 M.P.T.L. ch. 1 § 9

§ 9. Prohibited Acts

It shall be a violation of this Law for any person to:

- a. Conduct or participate in any Class II or Class III gaming operation on the Reservation other than the Enterprise.
- b. Receive, distribute, apply or divert any property, funds, proceeds or other assets of the Enterprise to the benefit of any individual or any other person except as authorized by this Law and the Resolution of the Tribe establishing the Enterprise.
- c. Tamper with any equipment used in the conduct of tribal gaming operations with the intent to cause any person to win or lose any wager other than in accord with the publicly announced rules of such gaming operations.
- d. Do any other act in connection with the conduct of the tribal gaming operations with the intent to affect the outcome of any wager other than in accord with the publicly announced rules of such gaming operations.
- e. participate as a player in any regular public bingo game, any lottery, any pari-mutuel wager, games of chance authorized pursuant to Section 4(a) (1) hereof, conducted by the Tribe, while such person is a member of the Tribal Council or employee of the Enterprise. Notwithstanding the preceding restriction, employees of the Enterprise, other than employees holding a State Key Gaming License or otherwise restricted by the Mashantucket Pequot Gaming Commission, may participate as a player in video facsimiles of any game of chance authorized pursuant to Section 4(a) (9) hereof.

§ 10. Prior Laws Repealed

The Mashantucket Pequot Bingo Control law is hereby repealed; provided, however, that the Mashantucket Pequot Bingo Control Commission, the Tribal Bingo Operation and the general manager of the Tribal Bingo Operation shall continue to exercise their respective powers and carry out their respective functions and duties under the former Bingo Control Law until the Commission determines and notifies each of them, respectively, and the Tribal Council, that the Commission or the Enterprise, as the case may be, has organized and is prepared to assume its responsibilities under this Law.

Historical and Statutory Notes

Derivation: Effective February 25, 1991 - TCR022591-03 enacted the "Mashantucket Pequot Tribal Gaming Ordinance" pursuant to the federal Indian Gaming Regulatory Act, 25 U.S.C. § 2701 *et seq.* In addition, the Mashantucket Pequot Bingo Control Ordinance was repealed.

Amendments.

Effective July 24, 2014, TCR072414-06 of 09 amends TCR062614-05 of 06 to permit only certain Employees of the Enterprise to engage only in Video Facsimile Gaming.

Effective June 26, 2014, TCR062614-05 of 06 to permit Employees of the Enterprise to participate in all gaming.