

Cherokee Nation Code Annotated

Title 4: Amusements and Sports

Chapter 2: Gaming Commission Administration and Enforcement Procedures

§ 22. Powers and duties of the Gaming Commission

Cite as: 4 CNCA § 22

A. The Gaming Commission shall have the power to regulate and generally oversee conduct of all gaming operations in order to ensure compliance with this Act and any regulations adopted and orders issued by the Gaming Commission. The Gaming Commissioners shall each execute a conflict of interest provision disclosing potential unethical situations.

B. The Gaming Commission shall be charged with the sole responsibilities of administering and enforcing the gaming provisions of this Act and any Tribal–State Compact to which the Nation may be a party.

C. It shall be the responsibility of the Commission to promulgate regulations necessary to administer the relevant provisions of this Act, provided that rules and regulations promulgated or created by the Cherokee Nation Gaming Commission shall not exceed or conflict with the regulations issued by the National Indian Gaming Commission, including but not limited to the National Indian Gaming Commission Minimum Internal Control Standards or the provisions of the Indian Gaming Regulatory Act, as applicable, unless specifically outlined by law; nor shall the regulations promulgated exceed or conflict what is required under any Cherokee Nation–State of Oklahoma Gaming Compact.

D. The powers and duties of the Gaming Commission shall include, but not be limited to, the following:

1. Making available application forms for all licenses and/or permits.
2. Supervising the collection of all fees prescribed by this Act, Gaming Commission regulation, federal statutes or regulations, and any Tribal–State Compact to which the Nation may be a party.
3. Processing all license applications and tax returns, which will be submitted under oath.
4. Determining applicable fees.
5. Auditing and/or reviewing financial records directly related to gaming activities only to ensure proper accountability.
6. Reviewing all records, documents and anything else necessary and pertinent to the financial accountability of licensees or enforcement of any provision of this ordinance.

7. Assessing sanctions, fines, or other penalties as needed against all vendors and/or facilities under the jurisdiction of and as deemed proper by the Gaming Commission for any violation of laws, rules, and/or regulations applicable to gaming activities.
8. Establishing procedures for conducting background investigations on and licensing of Key Employees, Primary Management Officials, other gaming facility employees, and vendors.
9. Establishing procedures for issuing licenses and permits to such employees, officials, and vendors.
10. Obtain and process fingerprints, or designate a law enforcement agency to obtain and process fingerprints.
11. Review and approve all investigative work conducted and report any possible or suspected criminal violation to the Cherokee Nation Marshal Service.
12. Make license and/or permit suitability determinations.
13. Report background investigation results to the National Indian Gaming Commission, as required.
14. Inspect, examine, and monitor all gaming activities on a continuing basis.
15. Have immediate, unfettered access to all areas of a gaming facility to review, inspect, examine, photocopy and/or audit all records of the gaming facility.
16. Conduct civil/regulatory investigations of any suspected or reported violations of this Act, Gaming Commission regulation, tribal and/or federal statutes or regulations, or any Tribal–State Compact provision pertaining to gaming activities.
17. Establish procedures for resolving disputes between the gaming public and a licensed gaming facility.
18. Hold hearings on patron complaints, in compliance with procedures established by the Gaming Commission and/or any Tribal–State Compact provision.
19. Comply with any and all reporting requirements under the IGRA, any Tribal–State Compact to which the Nation may be a party, and any other applicable law.
20. Promulgate, issue, and enforce regulations necessary to comply with the minimum internal control standards issued by the Gaming Commission or the National Indian Gaming Commission, as amended. Provided that, all regulations shall be drafted in accordance with 4 CNCA § 22(C) as set further herein.

21. Promulgate, issue, and enforce regulations on levying of fines and/or denial, suspension, restriction, or revocation of a gaming license or permit for violations of this Act, any Gaming Commission regulation, or any other applicable Tribal, Federal, or State law or regulation. Fines may not be assessed on employees.

22. Ensure compliance with National Indian Gaming Commission regulations requiring payment of annual fees to, and filing reports with, the National Indian Gaming Commission.

23. Ensure that all gaming facilities are in compliance with the federal Privacy Act procedures as required by NIGC regulations.

24. The Gaming Commission or any member thereof, in the performance of its duties as defined by law, shall have the power to, in administrative proceedings administer oaths and conduct administrative hearings for the purpose of the enforcement of this Act and/or any rules and regulations adopted by the Gaming Commission, assessment or collection of any fine, costs or other fees. The gaming facility shall provide the attendance of witnesses and the production of the books, records and papers of any person, firm, association or corporation under the jurisdiction of the Nation as necessary to show cause why action should not be taken by the Commission. Provided that the Cherokee Nation Marshal Service and Office of Attorney General have primary jurisdiction to enforce all criminal laws concerning gaming.

E. Dispute Resolution

1. The Gaming Commission shall promulgate regulations for resolving disputes between the gaming public and a gaming facility.

a. Separate regulations shall be provided for Class II and Class III gaming activities.

b. For Class III disputes, the Gaming Commission shall follow the parameters set forth in any Tribal–State Compact to which the Nation may be a party.

2. In resolving such disputes, the Gaming Commission may receive written statements, affidavits, or other materials from the parties of said dispute or their witnesses and, in its discretion, may order one or more hearings to take oral statements or testimony.

3. Any decision of the Gaming Commission in resolving such disputes shall be in writing and may be appealed by the parties to the Cherokee Nation District Court by filing an appeal, which shall contain a statement of the grounds for the appeal, within thirty (30) days of the date of receipt of the Gaming Commission's decision, in accordance with 4 CNCA § 67.

4. All decisions of the Gaming Commission for which a timely appeal has not been filed shall be final.

5. The dispute resolution procedures shall not apply to disputes governed by the regulations of the Oklahoma Horse Racing Commission.

Historical Data

LA 26–10, eff. September 13, 2010. Amended LA 10–11, eff. June 19, 2011; LA 07–14, eff. April 24, 2014; LA 17–14, eff. July 18, 2014.

Derivation

LA 30–89.

LA 09–90.

LA 01–94.

LA 20–06.

Former 4 CNCA §§ 12, 12.1, 16.