

Cherokee Nation Code Annotated

Title 4: Amusements and Sports

Chapter 2: Gaming Commission Administration and Enforcement Procedures

§ 28. Prohibited acts

Cite as: 4 CNCA § 28

A. In addition to other civil and criminal acts that may be regulated or prohibited by this Act, any tribal-state compact to which the Nation may be a party, other Tribal law or applicable federal law, the following shall constitute prohibited activities and unauthorized gaming under this Act and shall subject any perpetrator to Gaming Commission action including, but not limited to, the imposition of civil penalties, referral to appropriate law enforcement authorities for criminal proceedings, and license suspension or revocation. It is prohibited for any person:

1. To alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is determined but before it is revealed to the players;
2. To place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or knowledge of any event that affects the outcome of the game or knowledge that is the subject of the bet or wager;
3. To aid anyone in acquiring such knowledge as set forth in paragraph (2) above for the purpose of increasing or decreasing a bet or wager, or for the purpose of determining the course of play contingent upon that event or outcome;
4. To claim, collect, or take or attempt to claim, collect or take, money or anything of value in or from a gambling game with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won;
5. To knowingly entice or induce another to go to any place where a gambling game is being conducted or operated in violation of the provisions of this Act, with the intent that the other person play or participate in that gambling game;
6. To place or increase a bet or wager after acquiring knowledge of the outcome of the game or event which is the subject of the bet or wager, including past-posting and pressing bets;
7. To reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet or wager, including pinching bets;

8. To manipulate with intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purpose of the components, with knowledge or hope that the manipulation affects the outcome of the game or prize or with knowledge of any event that affects the outcome of the game or prize;
9. To solicit funds or anything of value from any patron or employee for personal gain, such as panhandling, vagrancy, or prostitution;
10. To unlawfully take or attempt to take any chips, currency, machine redemption tickets, or anything of value from any patron or employee on the gaming facility premises;
11. To refuse to leave the gaming facility when appropriately advised to do so by a member of management, security, and/or the Gaming Commission;
12. To damage or attempt to damage, either intentionally or negligently, any property, gaming device or equipment, or any article belonging to the Tribe, patron, or employee;
13. Under the age of eighteen (18) to make any wager either directly or indirectly in any gaming facility;
14. To either intentionally or knowingly cause injury or harm to any patron, or employee or threaten to do so;
15. To possess any chips, cards, devices, paraphernalia, etc., that could reasonably be concluded as useful in cheating, defrauding, manipulating, or altering any game, gaming device, equipment, machine, computer, or supplies;
16. For any employee to aid, conspire, collude or assist in any way any other employee or patron to win or have an unfair advantage to win or otherwise acquire anything of value unfairly;
17. For any employee to knowingly provide false information or to misrepresent information contained in a gaming license application and/or during the course of a background investigation;
18. For any employee to knowingly make a false or misleading statement to the independent auditors or internal auditors, nor shall any employee conceal or intentionally fail to reveal any information necessary to make the statements to such auditors not false or misleading;
19. For any employee to knowingly make a false or misleading statement in connection with any contract for services or property or in response to any official inquiry by the Gaming Commission or its agents;

20. For any employee to knowingly make a false or misleading statement to any investigator or other representative of the Gaming Commission in the course of an investigation of a complaint or violation of this Act, the Gaming Commission rules and regulations, or of any provision of a tribal-state compact to which the Nation may be a party;

21. For any employee to knowingly alter and/or destroy gaming records (e.g. surveillance footage, gaming paperwork, accounting/financial reports) without proper authorization and/or that is outside of prescribed policies and procedures for such records;

22. For any person to offer or attempt to offer anything of value to a licensee in an attempt to induce the licensee to act or refrain from acting in a manner contrary to the official duties of the licensee contained in this Act, the Gaming Commission rules and regulations, any tribal-state compact to which the Nation may be a party, or any applicable law;

23. For any licensee to accept anything of value with the expectation that receipt of such thing of value is intended, or that may be perceived as intended, to induce the licensee to act or refrain from acting in a manner contrary to the official duties of the licensee contained in this Act, the Gaming Commission rules and regulations, any tribal-state compact to which the Nation may be a party, or any applicable federal law;

24. For any person to take any action which interferes with or prevents the Gaming Commission or its agents from fulfilling its duties and responsibilities under this Act;

25. Any person possessing knowledge and/or any evidence that any gaming system or other equipment used in the gaming facility has been tampered with or altered in any way that would affect the integrity, fairness, honesty, or suitability of the system or equipment shall be immediately reported to the Gaming Commission;

26. Any action the Gaming Commission may take on an individual for engaging in any of the foregoing does not preclude the Cherokee Nation Marshal Service and/or the Office of the Attorney General from taking any action they may deem necessary.

B. Unauthorized gaming. Any person who commits any act of unauthorized gaming on any premises licensed by the Gaming Commission and/or owned and operated by the Tribe shall be in violation of this Act and the Gaming Commission shall seek prosecution in the appropriate court of competent jurisdiction. Prosecution for such violations in other than a federal court is not meant to be exclusive; a finding of guilt or innocence shall not deprive the federal government from jurisdiction.

C. Prohibition against electronic aids. Except as specifically permitted by the Gaming Commission, it is a crime for any person to possess with the intent to use, or actually use, at any table game, either alone or in concert with others, any calculator, computer, or other

electronic, electrical, or electromechanical device to assist in projecting an outcome at any table game, to keep track of or analyze the cards having been dealt, to change the probabilities of any table game or the playing strategies to be utilized. Violations are subject to Gaming Commission action and/or prosecution by the Nation and/or federal government under applicable laws.

D. Violations and sanctions.

1. Any patron, employee, vendor, or vendor agent who violates any part of this Act or any applicable law or regulation either referenced or contained herein, shall be deemed to have committed a crime. All matters and occurrences which indicate that a criminal act under the Tribal Code, any tribal-state compact to which the Nation may be a party, and/or federal law may have occurred in or around any gaming facility shall be immediately reported to the appropriate law enforcement agency and the Gaming Commission.

2. Violations which are not covered under a criminal code shall be deemed a civil violation. The Gaming Commission is authorized to establish a civil violations list of penalties and fines which shall be imposed by the Gaming Commission for all such civil violations of a vendor or facility with the violator afforded the rights to a hearing as provided in Chapter 6 of this Title.

3. If the Gaming Commission should have reasonable cause to believe any such violation was committed, it may impose licensing sanctions, vendor or facility fines, seek prosecution and/or exclusion.

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.