

Cherokee Nation Code Annotated
Title 4: Amusements and Sports
Chapter 6: Hearings and Appeals
§ 67. Appeals

Cite as: 4 CNCA § 67

A. The Cherokee Nation District Court shall have exclusive jurisdiction to hear appeals from final decisions of the Gaming Commission denying, modifying, conditioning, or revoking any license.

B. Any affected party may appeal any final decision of the Gaming Commission within thirty (30) days after such decision by filing a notice of appeal with the District Court and serving a copy to the Gaming Commission. Thereafter the Gaming Commission shall promptly file the full record of the proceeding with the District Court.

C. In all appeals, the District Court shall give proper deference to the administrative findings of the Gaming Commission. The District Court shall not set aside, modify or remand any determination by the Gaming Commission unless it finds that the determination is arbitrary and capricious, unsupported by substantial evidence or contrary to law. The District Court shall issue a written decision on all appeals.

D. The District Court may, in its discretion, award costs and attorney fees to the Gaming Commission against any appellant whose appeal was frivolous, malicious, or in bad faith. Such fees shall be assessed and collected as a tax imposed under this Act.

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 01–94.

Former 4 CNCA § 19.