



# **Mille Lacs Band of Ojibwe Indians**

*Gaming Regulatory Authority*

*Detailed Gaming Regulations*

## **DGR-30 Exclusion List Policies and Procedures**

## Table of Contents

1. Exclusion List Policy and Procedures .....	3
2. Duty to Exclude .....	4
3. Procedures for Exclusion .....	4
4. Emergency Exclusion.....	5
5. Criteria for Exclusion .....	6
6. Management Authority to Remove Individuals.....	6
7. Appeal of Exclusion Determinations.....	7
8. Maintenance of Exclusion List.....	7
9. Removal from Exclusion List.....	8
10. Exclusion Recommendations.....	8

## 1. Exclusion List Policies and Procedures

- 1.1. Purpose. To comply with 15 MLBS § 313 by promulgating regulations governing the establishment and maintenance of an Exclusion List to contain the names of individuals who shall be excluded from entering any Gaming Operation, Gaming Enterprise or participating in any Class II or Class III Gaming operated by any Gaming Operation and Gaming Enterprise.
- 1.2. Scope. These regulations are designed to implement the exclusion policy outlined in 15 MLBS § 313 and are intended to be compliant with the provisions of that section. In the event of an ambiguity, the provisions herein shall be interpreted so as to be compliant with the provisions in the above-referenced 15 MLBS § 313.
- 1.3. Persons on the Exclusion List shall be prohibited from entering Tribal Gaming Facilities. Any person named on the Exclusion List who attempts to enter a Gaming Operation and Gaming Enterprise after being duly notified that his/her name is on the Exclusion List may, at the discretion of the Solicitor General, be subject to criminal prosecution, and/or subject to prosecution for trespass by law enforcement officials.
- 1.4. Tribal Gaming Facilities shall include the areas inside the Gaming Operations and Gaming Enterprises where gaming activity is actually conducted as well as adjacent commercial establishments, convention facilities, meeting rooms (and parking areas). This area may also include hotels and lodging facilities at the discretion of the GRA Board.
- 1.5. This Policy shall not prohibit eligible voters of the Band from entering non-gaming floor areas of a Gaming Operation and Gaming Enterprise for the purpose of exercising voting rights or attending tribal political or community meetings held in the convention/meeting areas of the Gaming Operation and Gaming Enterprise. Nor shall this Policy prevent Band employees from attending mandatory work-related meetings in the convention/meeting areas of the Gaming Operation and Gaming Enterprise during work hours. Nor shall this policy prevent the Executive Director of the Office of Gaming Regulation and Compliance (OGR&C) or designee from issuing a temporary suspension of exclusion. The process for a temporary suspension of exclusion can be found at DGR 30 1.8 Under no circumstance shall the person on the Exclusion List be permitted to participate in any gaming activity while on the premises for such limited purposes.
- 1.6. Any individual whose name appears on the exclusion lists who enters a Band Gaming Operation or Gaming Enterprise and participates in gaming activities while at the Gaming Operation or Gaming Enterprise, shall be subject to forfeiture of any jackpot or thing of value won as a result of a wager made at such facility.
- 1.7. Any individual entering a Band Gaming Operation or Gaming Enterprise pursuant to the exceptions contained in DGR 30 1.5 and 1.8 who participates in gaming activities while at the Gaming Operation or Gaming Enterprise will be subject to criminal prosecution, and/or subject to prosecution for trespass by law enforcement officials.
- 1.8. Temporary Suspension of Exclusion. For temporary suspension of exclusion, the following process must be used:
  - 1.8.1. A request for temporary suspension of exclusion needs to be in writing to the Executive Director of OGR&C or designee.
  - 1.8.2. The Executive Director of the OGR&C or designee will forward the request for temporary suspension to the Corporate Commissioner of the Gaming Enterprise and the General Manager(s) of the Gaming Operation(s) at which time the Gaming Operation and/or Gaming Enterprise may comment, in writing, on the request for temporary suspension and submit such comments to the Executive

Director of the OGR&C or designee. Such comments must be received within twelve (12) hours after the request has been forwarded to Gaming Operation and Gaming Enterprise.

- 1.8.3. Short term (not to exceed ten (10) calendar days) the Executive Director of the OGR&C or designee will either temporarily lift exclusion or denying the request. All short-term temporary suspension will be notified to the GRA Board.
- 1.8.4. Long term (greater than ten (10) calendar days) the Executive Director of the OGR&C or designee will make a Recommendation either temporarily lifting the exclusion or denying the request by Compliance Recommendation to the GRA Board for final Determination.

## **2. Duty to Exclude**

- 2.1. Individuals whose names appear on the Exclusion List shall not be allowed to enter any Gaming Operation and Gaming Enterprise or participate in any Class II or Class III gaming operated by any Gaming Operation and Gaming Enterprise whether on behalf of the Band or an Indian Charitable Organization.
- 2.2. It shall be the duty of the Corporate Commissioner and General Manager of each Gaming Operation or Gaming Enterprise to take prompt action to exclude or eject from a Gaming Operation or Gaming Enterprise any person whose name appears on the Exclusion List.
- 2.3. Any associate of a Gaming Operation or Gaming Enterprise who knows or has reason to know that an excluded Person has entered or is attempting to enter a Gaming Operation or Gaming Enterprise shall be responsible for notifying appropriate staff and taking such other action as is within the scope of the associate's authority and responsibility to exclude or eject such Person.
- 2.4. A licensee's failure to satisfy the provisions of this section may constitute grounds for suspension/revocation of licensing by the Gaming Regulatory Authority.

## **3. Procedures for Exclusion**

- 3.1. It shall be the duty of the General Manager of each Gaming Operation to inform the Corporate Commissioner in writing of the name(s) of any person(s) who the General Manager reasonably believes meets the criteria for exclusion in DGR 30 5. Such names shall be submitted no later than thirty (30) calendar days from the date of the incident except for any damage to hotel rooms or property. Submission for damage to hotel rooms or property must be completed no later than thirty-five (35) calendar days. The Corporate Commissioner, in turn, shall provide such name(s) and supporting documentation to the Executive Director of the OGR&C or designee within thirty (30) calendar days. Supporting documentation includes but is not limited to; all Security and Surveillance reports past and present pertaining to the individual, voluntary statements, signed hotel registration, colored pictures, investigation reports, and hotel damage cost sheets.
  - 3.1.1. Upon notification from the Corporate Commissioner, the Executive Director of the OGR&C, or designee shall initiate an investigation into the proposed exclusion request.
  - 3.1.2. Upon Completion of investigation, the Executive Director of the OGR&C or designee shall determine, if the person in question satisfies any of the criteria establishing them as a Candidate for Exclusion ("Candidate") listed in DGR 30 5.

- 3.1.3. Upon the above determination, the Executive Director of the OGR&C or designee shall prepare and submit a written Compliance Recommendation to the Gaming Regulatory Authority Board which shall include the identity of the Candidate, an explanation of the specific reason(s) why such person is a Candidate, the Executive Director of the OGR&C or designee's Recommendation as to whether such Candidate should be placed on the Exclusion list, and any documentation used by the Executive Director of the OGR&C or designee in reaching his or her decision.
- 3.1.4. Concurrent with the Executive Director of the OGR&C or designee's Compliance Recommendation regarding the exclusion to the GRA Board, the Executive Director of the OGR&C or designee must transmit to the Candidate:
  - a. A copy of the Compliance Recommendation.
  - b. A notice of the date and time that the issue will come before the Gaming Regulatory Authority Board and the Candidate's right to appear with counsel hired at his or her expense.
  - c. A notice of the Candidate's right to offer oral or written testimony regarding his/her exclusion and to request that the record be supplemented with additional relevant information.
  - d. A copy of the Gaming Regulatory Authority Board's procedures for issuance of a determination.
  - e. A copy of the Gaming Regulatory Authority Appeal Process.
- 3.1.5. Documents a-e above shall be collectively referred to as the "Exclusion List Notice Documents."
- 3.2. On a date no later than ten (10) days after the transmission of the Exclusion List Notice Documents to the Candidate, the Gaming Regulatory Authority Board (or Hearing Examiner) will review the Compliance Recommendation and any supporting documents relevant to the Candidate. Such review shall take place at a hearing which the Candidate shall be entitled to attend (the "Exclusion Hearing"). If in attendance, the Candidate shall have the right to:
  - 3.2.1. Be represented by counsel.
  - 3.2.2. To offer oral or written testimony on his or her behalf.
  - 3.2.3. To request the record be supplemented to include any additional relevant information.

#### **4. Emergency Exclusion**

- 4.1. Notwithstanding the foregoing, the GRA Board may place a person on the Exclusion List prior to completion of the Procedures for Exclusion (DGR 30 3) if the exclusion of such person is recommended in an Emergency Enforcement Order properly issued by the Executive Director of the OGR&C or designee under 15 MLBS§ 402(c).
- 4.2. In the event that a person is placed on the Exclusion List prior to completion of the Procedures for Exclusion (DGR 30 3), the GRA Board shall hold an Exclusion Hearing to determine whether the exclusion decision was proper. Such hearing shall be held as soon as reasonably possible, and not later than ten (10) days after the person was placed on the Exclusion List.

## **5. Criteria for Exclusion**

- 5.1. The GRA Board may, upon completion of the Procedures for Exclusion (DGR 30 3), place a person on the Exclusion List permanently or for any shorter period if it has been determined that a person:
- 5.1.1. Has been convicted, in any jurisdiction, of a felony, or of any other crime that brings that person's honesty or integrity into question, including, but not limited to shoplifting, theft, robbery, burglary, embezzlement, conspiracy to commit a crime, or of a gambling related crime.
  - 5.1.2. Has been terminated from employment in a Gaming Operation and/or Gaming Enterprise due to any gaming offense or engagement in dishonest, threatening, harassing, destructive, criminal or suspicious behavior which constituted a risk to property, patrons or personnel at the Gaming Operation and/or Gaming Enterprise.
  - 5.1.3. Has violated or conspired to violate any provision of the Indian Gaming Regulatory Act, any Band Gaming Laws, any Gaming Compact, or any Tribal Law.
  - 5.1.4. Has a notorious or unsavory reputation, such that their admission to a Gaming Operation or Gaming Enterprise would adversely affect public confidence and trust in Gaming Operations or Gaming Enterprise. Acts giving rise to such reputation shall include, but not be limited to:
    - a. Attempts to use invalid identification to enter a Gaming Operation or Gaming Enterprise.
    - b. Failure to adhere to rules and regulations in place in the Gaming Operation or Gaming Enterprise.
    - c. Cheats.
    - d. Persons whose privileges for licensure have been revoked.
    - e. Any other factor reasonably related to the maintenance of public confidence in the effectiveness of the regulatory process and the integrity of gaming operations, and its employees.
  - 5.1.5. Is currently named on a valid Exclusion List from another jurisdiction, provided that the reason for exclusion in such other jurisdiction would justify exclusion under these Regulations.
  - 5.1.6. Requests or is the subject of a family member's request for exclusion under 15 MLBS § 706.
  - 5.1.7. Is the subject of a request from the General Manager or designee to be placed on the Exclusion list and has engaged in any of the conduct described in DGR 30 6.2.

## **6. Management Authority to Remove Individuals**

- 6.1. These Exclusion List Policies and Procedures shall not prevent Gaming Operation and Gaming Enterprise management and security personnel from temporarily removing individuals who pose a threat to the health, welfare, morals or enjoyment of patrons and employees. Such temporary removal may be effectuated without resort to the process

prescribed in these Exclusion List Policies and Procedures and may be effective for up to one (1) year.

- 6.2. The General Manager may seek to have an individual placed on the Exclusion List who poses a threat to the health, welfare, morals or enjoyment of patrons and employees by following the Procedures for Exclusion. Acts giving rise to individuals who pose a threat to the health, welfare, morals or enjoyment of patrons and employees shall include, but not be limited to:
  - 6.2.1. Consistent disregard of or disrespect for staff and patrons of the Gaming Operation or Gaming Enterprise.
  - 6.2.2. Failure to pay for services rendered at a Gaming Operation or Gaming Enterprise.
  - 6.2.3. Any other illegal, disruptive, destructive or unruly behavior which represents a danger to the health, welfare, morals or enjoyment of the staff or patrons of a Gaming Operation or Gaming Enterprise, including but not limited to: habitual drunkenness; continuing use of foul language; any form of disorderly conduct; physical intimidation of patrons or staff; physical damage to property.
- 6.3. If the General Manager informs the Corporate Commissioner in writing of the name(s) of any person(s) who the General Manager reasonably believes meets the criteria for exclusion listed in DGR 30 5 or DGR 30 6.2, those individual(s) will remain barred from all Mille Lacs Band Gaming Operations and Gaming Enterprises until:
  - 6.3.1. The Executive Director of the OGR&C or designee issues a Compliance Recommendation of the exclusion.
  - 6.3.2. The Gaming Regulatory Authority Board issues a Final Determination ; or an issues of a final order of the Court of Central Jurisdiction is received.
  - 6.3.3.
- 6.4. The Gaming Operation or Gaming Enterprise shall develop a system of internal controls for barring guests from the Gaming Operation and/or Gaming Enterprise.
  - 6.4.1. Duration of the barring shall not exceed one (1) year.
  - 6.4.2. Notification to the GRA.
  - 6.4.3. The barred list is separate from the exclusion list, and one has no authority or bearing on the other.

## **7. Appeal of Exclusion Determinations**

- 7.1. A person placed on the Exclusion List by the GRA Board may appeal the GRA Board's determination in accordance with the appeal procedures outlined in 15 MLBS §§ 501, 502 and 503.

## **8. Maintenance of Exclusion List**

- 8.1. The following information shall be provided with respect to each person placed on the Exclusion list:
  - 8.1.1. The full name, date of birth, current home address and all aliases.
  - 8.1.2. A physical description.

- 8.1.3. The date the person's name was placed on the list.
  - 8.1.4. A photograph, if available.
  - 8.1.5. The person's occupation and business address, if available.
  - 8.1.6. The specific reason for exclusion.
  - 8.1.7. The date, if any, exclusion will expire.
  - 8.1.8. Such other information as may be deemed necessary by the Executive Director of the OGR&C or designee.
- 8.2. The Exclusion List shall be distributed periodically to each Gaming Operation and Gaming Enterprise and shall be made available to law enforcement agencies upon request law enforcement need for the list. The Exclusion List shall be classified as Confidential Limited Availability Data.

## **9. Removal from Exclusion List**

- 9.1. Any person who has been placed on the exclusion list may petition the Authority in writing, not more frequently than once every six (6) months, that her or his name be removed from the list. A person's name may be removed from the Exclusion List in the event that a subsequent review by the:
- 9.1.1. GRA Board; or
  - 9.1.2. The Court of Central Jurisdiction (conducted in accordance with the appeal procedures outlined in 15 MLBS §§ 501, 502 and 503) finding in favor of the excluded person.

## **10. Exclusion Recommendations**

- 10.1. To establish Exclusion Recommendation Offense Levels to create guidelines for recommendations made by the Executive Director of the OGR&C or designee for individuals recommended to be placed on the Exclusion List. These guidelines are for use by the Executive Director of the OGR&C or designee. The GRA Board makes the final determination on all exclusion matters and is not bound by the recommendations of the Executive Director of the OGR&C or designee.
- 10.2. When any person meets the requirements for exclusion pursuant to DGR 30, the Executive Director of the OGR&C or designee may recommend to the GRA Board that the individual be placed on the Exclusion List. The Executive Director of the OGR&C or designee will use the following guidelines when making exclusion recommendations:
- 10.2.1. Associate/employee theft and/or scam.
    - a. 1st Offense - Permanent exclusion.
  - 10.2.2. Guest theft and/or scam against the property, associate/employee or other guest.
    - a. 1st Offense - 1 year exclusion and restitution.
    - b. 2nd Offense - 3 year exclusion and restitution.
    - c. 3rd Offense - 5 year exclusion and restitution.



- d. 4th Offense - Permanent exclusion and restitution.
- 10.2.3. Committing assault / fighting on property (associate and/or guests).
  - a. 1st Offense - 1 year exclusion.
  - b. 2nd Offense - 3 year exclusion.
  - c. 3rd Offense - Permanent exclusion.
- 10.2.4. Unruly, disruptive or disorderly behavior.
  - a. 1st Offense - Property initiates 5 business day exclusion and guest is informed of company policy.
  - b. 2nd Offense - 1 year exclusion.
  - c. 3rd Offense - 3 year exclusion.
  - d. 4th Offense - Permanent exclusion.
- 10.2.5. Soliciting (i.e. prostitution, sexual favors).
  - a. 1st Offense - 1 year exclusion.
  - b. 2nd Offense - 3 year exclusion.
  - c. 3rd Offense - Permanent exclusion.
- 10.2.6. Indecent exposure.
  - a. 1st Offense - 1 year exclusion.
  - b. 2nd Offense - 3 year exclusion.
  - c. 3rd Offense - Permanent exclusion.
- 10.2.7. Rape, attempted rape, sexual molestation and other sexual offenses.
  - a. 1st Offense - Permanent exclusion.
- 10.2.8. Possession of illegal or controlled substance and/or paraphernalia.
  - a. 1st Offense – 1 year exclusion.
  - b. 2nd Offense - 3 year exclusion.
  - c. 3rd Offense - Permanent exclusion.
- 10.2.9. Manufacturing or possession of illegal or controlled substance with the intent to sell and/or distribute.
  - a. 1st Offense - Permanent exclusion.
- 10.2.10. Hotel room damage/ excessive room maintenance or clean-up.
  - a. 1st Offense - Conditional exclusion until restitution is paid.
  - b. 2nd Offense - 1 year exclusion and restitution.

- c. 3rd Offense - 3 year exclusion and restitution.
  - d. 4th Offense - Permanent exclusion and restitution.
- 10.2.11. Mille Lacs Band property damage (other than Hotel room damage).
  - a. 1st Offense - Conditional exclusion until restitution is paid.
  - b. 2nd Offense - 1 year exclusion and restitution.
  - c. 3rd Offense - 3 year exclusion and restitution.
  - d. 4th Offense - Permanent exclusion and restitution.
- 10.2.12. Non-accidental guest against guest property damage (i.e. vehicle damage).
  - a. 1st Offense - 1 year exclusion.
  - b. 2nd Offense - 3 year exclusion.
  - c. 3rd Offense - Permanent exclusion.
- 10.2.13. Guest vehicle theft.
  - a. 1st Offense - 3 year exclusion.
  - b. 2nd Offense - Permanent exclusion.
- 10.2.14. Panhandling/gold digging/taking lost money/EZ-pay tickets.
  - a. 1st Offense - Property initiates 5 business day exclusion and guest is informed of company policy.
  - b. 2nd Offense - 1 year exclusion.
  - c. 3rd Offense - 3 year exclusion.
  - d. 4th Offense - Permanent exclusion.
- 10.2.15. Consumption of alcohol by a person under 21 years old.
  - a. 1st Offense - Properties will issue a warning and place the individual into the minor consumption data base.
  - b. 2nd Offense - 1 year exclusion.
  - c. 3rd Offense - 3 year exclusion.
- 10.2.16. Supplying alcohol to a person under 21 years old.
  - a. 1st Offense - 3 year exclusion.
  - b. 2nd Offense - 5 year exclusion.
  - c. 3rd Offense - Permanent exclusion.
- 10.2.17. Minor Gambling on Property.
  - a. 1st Offense - 1 year exclusion.

- b. 2nd Offense - Exclusion until individual turns 18 years old.
- 10.2.18. Weapons Possession.
  - a. 1st Offense - Permanent exclusion.
- 10.2.19. Terroristic Threats (in person/or correspondence).
  - a. 1st offense - Permanent exclusion.
- 10.3. All other offense not listed will be handled on a case by case basis when determining exclusion recommendation.
- 10.4. Re-occurring offenses will be utilized to determine the level of offense.
- 10.5. The severity of the offense will also be taken into consideration when determining the level of offense to follow.
- 10.6. Violation of temporary or permanent exclusion:
  - 10.6.1. 1<sup>st</sup> Offense - Exclusion increased one offense level (if possible) and report sent to proper authority for trespassing charges.
- 10.7. Former associates (not self-separated) whose employment was separated for failure to comply with company policies & procedures shall remain off property for 60 calendar days from date of separation.
- 10.8. GRA Board Determination. Pursuant to its authority under 15 MLBS § 309 and 15 MLBS § 313, the GRA Board, based on the substantial evidence contained in the official record, shall make a determination by accepting, rejecting or modifying the recommendation.

### History

Approved by Band Assembly on July 28, 2005.

Changes approved by the GRA Board on June 25, 2008. Effective Date: June 25, 2008.

Changes approved by the GRA Board on July 6, 2011. Effective Date: July 6, 2011.

Changes approved by the GRA Board on April 28, 2016. Effective Date: April 28, 2016.

Changes approved by the GRA Board on March 27, 2025. Effective Date: October 31, 2025.

Prior versions of this Detailed Gaming Regulation are available upon request from the Gaming Regulatory Authority.

**Each Gaming Operation shall come into compliance with changes no later than October 31, 2025.**