



MILLE LACS BAND OF OJIBWE
Executive Branch of Tribal Government

COMMISSIONER'S ORDER 249 – 09

A COMMISSIONER'S ORDER REQUIRING THAT ALL CONTRACTORS BE LICENSED BY THE CORPORATE COMMISSION PURSUANT TO MILLE LACS BAND STATUTE TITLE 18.

WHEREAS, Pursuant to 4 MLBSA §§ 7(h) and 10(f), the Commissioner of Administration has the authority to issue commissioner's orders on any subject matter in his jurisdiction; and

WHEREAS, Pursuant to 4 MLBSA § 7(a), the Commissioner of Administration has the authority to faithfully and impartially execute the laws of the Band; and

WHEREAS, Pursuant to 4 MLBSA § 8(b), the Commissioner of Administration has the authority to administer all grants and contracts; and

WHEREAS, Pursuant to 4 MLBSA § 8(e), the Commissioner of Administration has the authority to ensure the lawful activities of any grant or contract within the Executive Branch; and

WHEREAS, There exists a need for compliance with Mille Lacs Band Statutes and uniformity among contractors who contract within the Executive Branch; and

WHEREAS, Pursuant to 18 MLBSA § 101, any person(s), company(ies), corporation(s), association(s), partnership(s), cooperative(s), utility(ies) and any other public or private commercial entity who desires to sell or offer for sale any goods and/or services with the Non-Removable Mille Lacs Band of Ojibwe shall obtain a license to do so; and

WHEREAS, Pursuant to 18 MLBSA § 102, an application to be licensed must be forwarded through the Commissioner of Corporate Affairs and be accompanied by a non-refundable fee of ten dollars (\$10.00); and

WHEREAS, Pursuant to 18 MLBSA §§ 107 and 108, a license shall be valid throughout the calendar year and, at least thirty days prior to the expiration of the existing license, the licensee may apply for a renewal.

NOW THEREFORE, Be it ordered that every person(s), company(ies), corporation(s), association(s), partnership(s), cooperative(s), utility(ies) and any other public or private commercial entity who desires to enter into a contract within the Executive Branch of the Mille Lacs Band of Ojibwe shall be licensed, or have an

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application to be licensed pending, with the Commissioner of Corporate Affairs of the Mille Lacs Band of Ojibwe prior to execution of the contract.

BE IT FURTHER ORDERED, That a copy of the license or application to be licensed shall be provided to the contracting officer as soon as obtained by the contractor.

DATED, At Vineland, Minnesota this 23rd day of April in the year two thousand and nine.



John Dunkley
Commissioner of Administration

Effective Date: April 23, 2009

Expiration Date: April 22, 2010

APPROVED AS TO FORM
EXECUTION AND NUMBERING



Shauna Coons
Deputy Solicitor General

OFFICIAL SEAL OF THE BAND

Historical and Statutory Notes

Source: Band Statute 1090-MLC-47, § 24.

Code Revision: The phrase "Chapter 1 to 5 of" was inserted before "this title" in this section by the Code Reviser when Chapter 6 was added to this title.

Cross References

Licensing of commercial entities, see 18 MLBSA § 101 et seq.

CHAPTER 2

LICENSING OF COMMERCIAL ENTITIES

Section

- 101. Power to license.
- 102. Application for license.
- 103. Classes of licenses.
- 104. Fees for issuance of license.
- 105. License fee revenue distribution.
- 106. Licenses issued to principal of commercial entity.
- 107. License period.
- 108. License renewal.
- 109. Denial, suspension, revocation of license.
- 110. Service of process.
- 111. Forfeiture of goods.
- 112. Power to close unlicensed stores.

Cross References

Violations, see 18 MLBSA § 10.

§ 101. Power to license

The Corporate Commission shall have the sole power and authority to license commercial entities who sell or offer for sale any goods and/or services to person(s) on lands subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians. Any persons(s), company(ies), corporation(s), association(s), partnership(s), cooperative(s), utility(ies) and any other public or private commercial entity who desires to sell or offer for sale any goods and/or services of any material value or to sell or offer for sale the exchange of property, real or personal, as defined in 24 MLBSA § 3302, with any Band member or Indian or any person subject to the jurisdiction of the Mille Lacs Band of Chippewa Indians; or with the Non-Removable Mille Lacs Band of Chippewa Indians; or any political subdivision or entity thereof, shall upon establishing the fact to the satisfaction of the Corporate Commission that he is a proper person or entity to

engage in such activity, be permitted to do so under such rules and regulations as the Corporate Commission may prescribe through the issuance of lawful Orders of the Commission. Any such Commission Order shall not be applicable to any commercial entity during the term of any existing license but shall become effective upon the issuance of a new license or upon renewal of an existing license.

Historical and Statutory Notes

Source: Band Statute 1090-MLC-47, § 2. 52

§ 102. Application for license

(a) Application for licenses must be made in writing on a form prescribed by the Corporate Commission, setting forth the full name and residence of the applicant; if a firm, the firm name and the name of each member thereof, the place where it is proposed to carry on the sale of goods and services; the capital to be invested, the names of the clerks to be employed; the person responsible for the general books of account of the firm and the name of one other person exclusive of the owner who shall both be designated to receive service of process; and the business experience of the applicant. The application must be forwarded through the Commissioner of Corporate Affairs. Licensed entities will be held responsible for the conduct of their employees.

(b) When an application for a license or permit is filed with the Commissioner of Corporate Affairs, the application shall be accompanied by a nonrefundable fee of ten dollars (\$10.00). The Corporate Commission shall be ninety days from the date of filing to approve or deny any application. Notwithstanding, the Commissioner of Corporate Affairs shall issue a temporary license valid for ninety days upon receipt and filing of said application.

Historical and Statutory Notes

Source: Band Statute 1090-MLC-7, § 5.

§ 103. Classes of licenses

The Non-Removable Mille Lacs Band of Chippewa Indians hereby designates the following classes of licenses which shall be available for any commercial entity who desires to engage in the sale of any goods and/or services on lands subject to the jurisdiction of the Band. The following classes of licenses shall be made available to any person, company, corporation, association, partnership, cooperative, utility, or financial institution, be it public or private who seeks to engage in the sale of such goods or services on lands subject to the jurisdiction of the Non-Removable Mille Lacs Band of

Chippewa Indians. The class of license sought shall be issued according to the classification of the goods and/or services sold on said lands.

(a) Retail Sales License. This license is available to a person who sells any goods and commodities at retail on lands under the jurisdiction of the Band.

(b) Entertainers License. This license is available to a person who provides entertainment to the public. For example: a band, theater or dance troupe, etc.

(c) Professional Services License. This license is available to a person who provides services in the practice of medicine and surgery, chiropractic, nursing, optometry, psychology, dentistry, pharmacy, podiatry, veterinary medicine, architecture, engineering, surveying, landscape architecture, accountancy and law.

(d) Utilities License. This license is available to a person providing telephone, electrical, water, sewer, gas to the public.

(e) Public Accommodations License. This license is available to a person providing lodging, prepared foods or beverages, and equipment rental to the public.

(f) Hawkers, Peddlers, Transient Merchants License. This license is available to a person who transacts any temporary and transient business on lands under the jurisdiction of the Band including selling goods, wares, merchandise and distributing literature of any type.

(g) General Service License. This license is available to a person who provides commercial services to the public, such as refuse disposal, plumbing, auto or equipment repair, electrical, carpentry, cleaning and maintenance services, personal care and other like general services.

(h) Special Events License. This license is available to a person who conducts commercial activity usually on a one time per annum basis, but not exceeding three times per annum. Said activity does not occur on a regular or consistent basis.

(i) Miscellaneous License. This license is available to a person who sells goods or services that do not fall into another category in subsections (a) to (h).

Historical and Statutory Notes

Source: Band Statute 1090-MLC-7, § 6.

§ 104. Fees for issuance of license

The following fee schedule based on annual gross sales of the licensed entity is hereby enacted for various classes of licenses offered in 18 MLBSA § 103.

(a) License fee for Commercial Services License is hereby established at:

\$ -0- to \$50,000.00	=	\$75.00
\$ 50,001.00 to \$100,000.00	=	\$100.00
\$100,001.00 and over	=	\$150.00

(b) License fee for Entertainers License is hereby established at fifty dollars (\$50.00).

(c) License fee for Professional Services License is hereby established at:

\$ -0- to \$50,000.00	=	\$75.00
\$ 50,001.00 to \$100,000.00	=	\$100.00
\$100,001.00 and over	=	\$150.00

(d) License fee for Public Utilities License is hereby established at:

\$ -0- to \$50,000.00	=	\$75.00
\$ 50,001.00 to \$100,000.00	=	\$100.00
\$100,001.00 and over	=	\$150.00

(e) License fee for Public Accommodations License is hereby established at:

\$ -0- to \$50,000.00	=	\$75.00
\$ 50,001.00 to \$100,000.00	=	\$100.00
\$100,001.00 and over	=	\$150.00

(f) License fee for Hawkers, Peddlers, Transient Merchants License is hereby established at:

\$ -0- to \$50,000.00	=	\$25.00
\$ 50,001.00 to \$100,000.00	=	\$40.00
\$100,001.00 and over	=	\$50.00

(g) License fee for General Commercial Services License is hereby established at:

\$ -0- to \$50,000.00	=	\$75.00
\$ 50,001.00 to \$100,000.00	=	\$100.00
\$100,001.00 and over	=	\$150.00

(h) License fee for One-Time Special Events is hereby established at fifty dollars (\$50.00).

(i) License fee for Miscellaneous License is hereby established at:

\$ -0- to \$50,000.00	=	\$75.00
\$ 50,001.00 to \$100,000.00	=	\$100.00
\$100,001.00 and over	=	\$150.00

Historical and Statutory Notes

Source: Band Statute 1090-MLC-47, § 7.

§ 105 . License fee revenue distribution

All revenue derived from license fees from this title shall be forwarded on the first day of each month to the Commissioner of Finance who shall superintend and manage said funds until lawfully disbursed pursuant to formal Revenue Resolution of the Band Assembly.

Historical and Statutory Notes

Source: Band Statute 1090-MLC-47, § 23.

§ 106. Licenses issued to principal of commercial entity

The Corporate Commission shall issue licenses only in the name of the principal owner

of any commercial entity who transacts business pursuant to provisions of this title. Any said license issued pursuant to provisions of this title is nontransferable.

Historical and Statutory Notes

Source: Band Statute 1090-MLC-47, § 13.

§ 107. License period

License to sell or offer for sale any goods and/or services to any person subject to the jurisdiction of the Band shall be valid throughout the calendar year in which it is issued.

Historical and Statutory Notes

Source: Band Statute 1090-MLC-47, § 8.

§ 108. License renewal

Application for renewal of license shall be made to the Commissioner of Corporate Affairs on an appropriate form at least thirty days prior to the expiration of the existing license and the Commissioner must report to the Corporate Commission as to the record the applicant has made and his fitness to continue as a commercial entity under a new license.

Historical and Statutory Notes

Source: Band Statute 1090-MLC-47, § 9.

§ 109. Denial, suspension, revocation of license

(a)(1) The Corporate Commission may by order deny any application or suspend or revoke any license or registration if it finds that the applicant, registrant or licensee:

(A) has filed an application for a license or registration which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(B) has engaged in a fraudulent, deceptive or dishonest practice;

(C) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of conducting commercial activity;

(D) has violated or failed to comply with any provision of this chapter or any Commission Order issued pursuant thereto.

(2) Any applicant for a license or licensee or registrant shall be accorded due process rights to a hearing pursuant to provisions of subsection (c)(1), prior to revocation, suspension or denial action.

(b) The Corporate Commission may promulgate rules and regulations further specifying and defining those actions and omissions which constitute fraudulent, deceptive or dishonest practices, and establishing standards of conduct for commercial activity.

(c)(1) The Court of Central Jurisdiction may issue an order requiring a licensee, registrant or applicant for a license or registration to show cause why the license or registration should not be revoked or suspended. In the case of the denial of an application, the Corporate Commission may issue such a show cause order. All orders shall be calculated to give reasonable notice of time and place for hearing thereon, and shall state the reasons for the entry of the order. All hearings shall be conducted in accordance with 24 MLBSA § 2001 et seq. After the hearing, the court shall enter an order making such disposition of the matter as the facts require. In the case of hearings before the Corporate Commission, the Commission shall enter an order making such disposition of the matter as the facts require. Any such order may be appealed to the Court of Central Jurisdiction.

(2) If the licensee, registrant or applicant fails to appear at a hearing of which he has been duly notified, such person shall be deemed in default, and the proceeding may be determined against him upon consideration of the order to show cause, the allegations of which may be deemed to be true.

Historical and Statutory Notes

Source: Band Statute 1090-MLC-47, § 10.

§ 110. Service of process

All commercial entities that sell or offer for sale any goods and/or services on lands subject to the jurisdiction of the Band, but do not maintain an office on lands subject to the jurisdiction of the Band shall be subject to service of process as follows: by service thereof on its registered agent within the Band or if there be no such registered agent, then upon the person who has been designated in the registration statement as having custody of books and records or upon the person who is an agent of the commercial entity or by placing a copy of said process in registered and regular United States mail at the last known address.

Historical and Statutory Notes

Source: Band Statute 1090-MLC-47, § 14.

§ 111. Forfeiture of goods

Any person who shall attempt to conduct commerce on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians as a commercial entity, or to introduce goods, offer for sale any services or to conduct commercial activity therein without a license, shall forfeit all merchandise offered for sale to any person or the Band which is found in his possession to the Non-Removable Mille Lacs Band of Chippewa Indians.

Historical and Statutory Notes

Source: Band Statute 1090-MLC-47, § 4.

§ 112. Power to close unlicensed stores

If persons carry on commercial activities within the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians with any person under the jurisdiction of the Band or the Band or entity of the Band without a license, or continue to conduct commerce after expiration of the license without applying for renewal, the Commissioner of Corporate Affairs will immediately report the facts to the Solicitor General who may, if necessary, direct the Law Enforcement officials to close the store of such commercial entities. The Solicitor General shall within forty-eight hours file a proper complaint in the Court of Central Jurisdiction and seek permanent or temporary injunctive relief from the court whichever is appropriate.

Historical and Statutory Notes

Source: Band Statute 1090-MLC-47, § 12.