

Twenty-First Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

SECOND REGULAR SESSION, 2019

H. L. B. 21-38

**A LOCAL BILL FOR AN ACT
FOR THE SECOND SENATORIAL DISTRICT**

To adopt and enact the Revised Tinian Casino Gaming Control Act of 1989 as approved and adopted by the CNMI Superior Court in *CNMI v. Tinian Casino Gaming Control Commission, et al.*, Civil Action No. 91-690 (Aug. 18, 1993); To further Amend the Revised Tinian Casino Gaming Control Act of 1989; To Repeal Tinian Local Laws 14-01, 18-05, 19-12, and 20-05; and for other purposes.

BE IT ENACTED BY THE SECOND SENATORIAL DISTRICT DELEGATION

PURSUANT TO CHAPTER 4, DIVISION 1, TITLE 1 OF THE

COMMONWEALTH CODE:

1 SECTION 1. FINDINGS AND PURPOSE.

2 The Tinian and Aguiguan Legislative Delegation (Tinian Legislative
3 Delegation) finds that Tinian Local Initiative 1 took effect January 1, 1990, after
4 ratification by two-thirds of the qualified voters in the Second Senatorial District
5 (Tinian and Aguiguan) on November 4, 1989.

6 The Tinian Legislative Delegation further finds that in 1991, the
7 Commonwealth government filed an action challenging provisions in the act and
8 certain regulations adopted by the Casino Gaming Control Commission on the
9 basis that they violated Commonwealth-wide laws. Following hearings, the
10 CNMI Superior Court issued a decision denying most of the government's claims.

1 On appeal, the CNMI Supreme Court vacated the judgment and remanded the
2 case for a new hearing; the CNMI Superior Court was instructed to apply a
3 newly-formulated test in determining the legality of the challenged provisions.

4 *Commonwealth v. Tinian Casino Gaming Control Comm'n*, 3 N.M.I. 134 (1992).

5 On remand, the CNMI Superior Court upheld some of the challenged provisions
6 in the act but accepted claims that others violated Commonwealth-wide law.

7 The Tinian Legislative Delegation finds that on April 8, 1993, the CNMI
8 Superior Court “modified” several provisions, “deleted” others, and directed the
9 Tinian Casino Gaming Control Commission to revise and submit to the court the
10 Tinian Casino Gaming Control Act of 1989 in a manner that is consistent with the
11 entirety of the final order, such revisions to include re-numbering of the sections
12 of the Act to reflect adding new sections/subsections and deletions of
13 sections/subsections. *Commonwealth v. Tinian Casino Gaming Control Comm'n*,
14 Civ. No. 91-0690 (N.M.I. Super. Ct. Apr. 8, 1993) (Final Order at 15).

15 On August 18, 1993, the CNMI Superior Court issued an order approving
16 and adopting a revised act known as the “Revised Tinian Casino Gaming Control
17 Act of 1989.” (Revised Act) *See Commonwealth v. Tinian Casino Gaming*
18 *Control Comm'n*, Civ. No. 91-0690 (N.M.I. Super. Ct. Aug. 18, 1993) (Order
19 Approving and Adopting the Revised Tinian Casino Gaming Control Act of
20 1989). The CNMI Superior Court ordered that the “Revised Tinian Casino
21 Gaming Control Act of 1989” be, and is, deemed in full force and affect after

1 April 18, 1993. The CNMI Superior Court further ordered that the “Revised
2 Tinian Casino Gaming Control Act of 1989 (Section 1 thru 126 inclusive at pages
3 1-99 attached hereto)” be published in its entirety in the Commonwealth Code,
4 superseding and replacing the existing Tinian Casino Gaming Control Act of
5 1989 currently published and codified at 10 CMC Ch. 6, Div. 2 (10 CMC § 2511
6 through 10 CMC § 3126 inclusive); with the CNMI Law Revision Commission
7 renumbering the Revised Tinian Casino Gaming Control Act of 1989 (“Revised
8 Act”).

9 The Tinian Legislative Delegation further finds that following the CNMI
10 Superior Court’s order, the CNMI Law Revision Commission published the
11 “Revised Tinian Casino Gaming Control Act of 1989” in the Commonwealth
12 Code; however, the “Revised Act” was not codified in the Commonwealth Code.
13 Although the Superior Court ordered that the “Revised Act” supersede and
14 replace the original act codified in the Commonwealth Code, the CNMI Law
15 Revision Commission does not have statutory authority pursuant to 1 CMC §
16 3801 *et seq.* to codify Commonwealth laws that were not enacted by the
17 legislature or popular initiative as mandated by the NMI Constitution. The
18 “Revised Act” was a final product of the parties in the case, *Commonwealth v.*
19 *Tinian Casino Gaming Control Comm’n*, (Civ. No. 91-0690), and adopted and
20 approved by the CNMI Superior Court. In order for the “Revised Act” to
21 supersede and replace the original act and to be codified in the Commonwealth

1 Code, the “Revised Act” must be enacted by the Legislature or the Tinian
2 Legislative Delegation.

3 The Tinian Legislative Delegation finds that subsequent to the CNMI
4 Superior Court’s order of August 18, 1993, the “Revised Act” became operative
5 and governed the actions and conduct of the Tinian Casino Gaming Control
6 Commission, the casino operators, the casino industry in Tinian as well as the
7 Tinian Legislative Delegation. Subsequently, the Tinian Legislative Delegation
8 enacted several local laws amending certain provisions of the “Revised Act.”
9 However, litigation was initiated in 2004 and in 2015 in the CNMI Superior
10 Court, among other issues, to determine whether or not the Tinian & Aguiguan
11 Legislative Delegation has the authority to amend the “Revised Act.” In August
12 2017, the CNMI Supreme Court held that pursuant to Article II, Section 6 of the
13 NMI Constitution and the Local Law Act of 1983, a delegation may regulate
14 gambling, including amending a gambling law enacted by local initiative, and
15 Article XXI does not impose a contrary prohibition. *See Blanco-Maratita v.*
16 *Borja*, 2017 MP 6 (Aug. 22, 2017) (Slip Opinion at ¶ 38).

17 The Tinian Legislative Delegation finds that based on the CNMI Supreme
18 Court’s decision in *Blanco-Maratita v. Borja*, it is necessary and long overdue to
19 codify the “Revised Tinian Casino Gaming Control Act of 1989” as approved and
20 adopted by the CNMI Superior Court in August 18, 1993 including the
21 amendments to “Revised Act” as enacted by Tinian Local Laws 14-1, 18-5, 19-12

1 and 20-5. Accordingly, the purpose of this legislation is to enact the “Revised
2 Tinian Casino Gaming Control Act of 1989” including the amendments
3 established by Tinian Local Laws 14-1, 18-5, 19-12 and 20-5.

4 **SECTION 2. REPEALER.**

5 Tinian Local Laws 14-01, 18-05, 19-12, and 20-05 are hereby repealed in
6 their entirety.

7 **SECTION 3. ENACTMENT OF THE REVISED TINIAN CASINO**
8 **GAMING CONTROL ACT OF 1989.**

9 Notwithstanding any law to the contrary, the Tinian and Aguiguan
10 Legislative Delegation hereby adopts and enacts the Revised Tinian Casino
11 Gaming Control Act of 1989 as approved by the *CNMI Superior Court in CNMI*
12 *v. Tinian Casino Gaming Control Commission, et al.*, Civil Action No. 91-690
13 (Aug. 18, 1993).

14 **SECTION 4. AMENDMENT TO THE REVISED TINIAN CASINO**
15 **GAMING CONTROL ACT OF 1989.**

16 Notwithstanding Section 3 of this Act or any law to the contrary, the
17 Tinian and Aguiguan Legislative Delegation hereby amends Chapter 6, Division 2
18 of Title 10 the Commonwealth Code as follows:

19 **“Chapter 6. Casino Gambling.**

20 **Article 1. General Provisions.**

1 **§ 2511. Short Title.** This chapter may be cited as the Revised Tinian
2 Casino Gaming Control Act of 1989.

3 **§ 2512. Commencement.** This chapter shall commence on April 18,
4 1993.

5 **§ 2513. Definitions.** In this chapter, unless the contrary intention appears:

6 (a) “Adult” means any person 18 years or older.

7 (b) “Airport gaming” means the conduct of gaming or gambling games
8 pursuant to an airport casino gaming agreement with the Commonwealth Ports
9 Authority at a designated airport gaming area at the Tinian International Airport.

10 (c) “Airport gaming operator” means a casino licensee permitted under
11 this chapter and the regulations to operate an airport gaming facility.

12 (d) “Applicant” means any person who on his own behalf or on behalf of
13 another has applied for permission to engage in any act or activity which is
14 regulated under the provisions of this chapter.

15 (e) “Application” means a written request for permission to engage in any
16 act or activity which is regulated under the provisions of this chapter.

17 (f) “Attorney General” means the Attorney General of the Commonwealth
18 of the Northern Mariana Islands.

19 (g) “Casino” means those areas of a hotel-casino complex identified in a
20 casino license as the areas constituting the casino in a particular case. Without
21 limiting the generality or scope of the foregoing, the term includes where so

1 identified not only areas for the conduct and playing of games but also areas for
2 money counting, surveillance, accounting, storage and other activities related to
3 the operation and functioning of the casino.

4 (h) "Casino employee" means any natural person employed in the
5 operation of a licensed casino, including, without limitation, boxing, dealers or
6 croupiers, floormen machine mechanics, casino security employees, count room
7 personnel, cage personnel, slot machine and slot booth personnel, collection
8 personnel, casino surveillance personnel, and data processing personnel, or any
9 other natural person whose employment duties require or authorize access to
10 restricted casino areas, including, without limitation, appropriate maintenance
11 personnel, waiters and waitresses, and secretaries.

12 (i) "Casino gross revenue" means the total of all sums, including checks
13 whether collected or not, actually received by a casino operator from the conduct
14 of gaming, less the total of all sums paid out as winnings in respect of gaming.
15 For the purposes of this definition, any sum received in payment for credit
16 extended by a licensee to a patron for purposes of gaming or for the issue of a
17 chip for gaming is a sum received from the conduct of gaming.

18 (j) "Casino key employee" means:

19 (1) any person employed or working in a casino in a managerial
20 capacity or who is empowered to make decisions, involving the exercise
21 of his discretion, that regulate the operation of a casino;

1 (2) any person associated with or employee of a casino who, in the
2 opinion of the Tinian Casino Gaming Control Commission, has the power
3 to exercise a significant influence over or with respect to the operation of
4 the casino; or

5 (3) any person associated with or employee of a casino who, by
6 reason of his remuneration or policy-making position or by reason of any
7 other criteria determined by the Tinian Casino Gaming Control
8 Commission holds or exercises or is able to exercise authority of such a
9 nature or to such an extent in respect of the operation of the casino as, in
10 the opinion of the Tinian Casino Gaming Control Commission, to render if
11 desirable in the public interest that he be licensed as a casino key
12 employee.

13 (k) "Casino lease" means a written lease approved by the Tinian Casino
14 Gaming Control Commission under which the casino licensee leases to the lessee
15 the hotel-casino complex or the casino.

16 (l) "Casino license" means a conditional or plenary license granted by the
17 Tinian Casino Gaming Control Commission on the recommendation of the
18 Executive Director authorizing the conduct and playing in a casino or such games
19 as may in the particular case be authorized by the Commission.

20 (m) "Casino licensee" means the holder for the time being of a casino
21 license. The term includes a person referred to in this Act as a casino licensee

1 who, while not at the material time the holder of a casino license, is a person to
2 whom it is proposed to grant a casino license under and in accordance with an
3 agreement as referred to in 10 CMC § 2532.

4 (n) "Casino management agreement" means a written agreement approved
5 by the Tinian Casino Gaming Control Commission under which the casino
6 licensee or the lessee under a casino lease agrees with the other party to the
7 agreement for the management by that other party of the hotel-casino complex or
8 the casino, as the case may be.

9 (o) "Casino operator" means:

10 (1) where there is no casino lease or casino management
11 agreement, the casino licensee;

12 (2) where there is a casino lease and no casino management
13 agreement, the lessee under the casino lease; or

14 (3) where there is a casino management agreement, the person who
15 has entered into the agreement with the casino licensee or, where there is
16 also a casino lease, the lessee under the casino lease, as the case may be.

17 The term includes a person referred to in this chapter as a casino
18 operator who:

19 (4) in the case of paragraph (1) of this subsection, while not at the
20 material time a casino licensee, is a person to whom it is proposed to grant

1 a casino license under and in accordance with an agreement as referred to
2 in 10 CMC § 2532.

3 (5) in the case of paragraph (2) of this subsection, is a lessee under
4 a casino lease entered into prior to the grant of casino license to the casino
5 licensee; or

6 (6) in the case of paragraph (3) of this subsection, is a person who
7 has entered into a casino management agreement with the casino licensee
8 or the lessee under a casino lease prior to the grant of a casino license to
9 the casino licensee.

10 (p) “Chips” means any tokens used or capable of being used in a casino in
11 the conduct of gaming in the place of money and approved for the purpose by the
12 Tinian Casino Gaming Control Commission.

13 (q) “Commission officer” or “employee” means any person appointed as a
14 member, an officer or employee of the Tinian Casino Gaming Control
15 Commission whose duties and responsibilities are related to or are in support of
16 the effectual administration of this chapter.

17 (r) “Commonwealth” means the Commonwealth of the Northern Mariana
18 Islands.

19 (s) “Communications technology” means any method used and the
20 components employed by an establishment to facilitate the transmission of
21 information, including, without limitation, transmission and reception by systems

1 based on wire, cable, radio, microwave, light, optics or computer data networks,
2 including, without limitation, the Internet and intranets.

3 (t) "Complimentary service or item" means a service or item provided at
4 no cost or at a reduced price. The furnishing of a complimentary service or item
5 by a casino licensee shall be deemed to constitute the indirect payment for the
6 service or item by the casino licensee, and shall be valued in an amount based
7 upon the retail price normally charged by the casino licensee for the service or
8 item. The value of a complimentary service or item not normally offered for sale
9 by a casino licensee or provided by a third party on behalf of a casino licensee
10 shall be the cost to the casino licensee of providing the service or item, as
11 determined in accordance with the rules of the Commission.

12 (u) "Conditional license" means a license that is granted to an applicant
13 who has not met the plenary licensure requirements under this chapter but is
14 licensed to operate a temporary casino complex subject to terms and conditions
15 imposed by TCGCC.

16 (v) "Council" means the Tinian Municipal Council.

17 (w) "Creditor" means the holder of any claim, of whatever character,
18 against a person, whether secured or unsecured, matured or unmatured, liquidated
19 or unliquidated, absolute, fixed or contingent.

20 (x) "Deputy Director" means the Deputy Director of the Tinian Casino
21 Gaming Control Commission.

1 (y) “Division” or “Enforcement Division” means the Division of
2 Enforcement under the Commission referred to in 10 CMC § 2530.

3 (z) “Executive Director” means the Executive Director of the Tinian
4 Casino Gaming Control Commission.

5 (aa) “Financial year” means the period of 12 months ending on 30
6 September in any year or, where the Tinian Casino Gaming Control Commission
7 approves some other date as the terminating date of a financial year in a particular
8 case, the period of 12 months ending on the date so approved. The term includes,
9 where the Tinian Casino Gaming Control Commission approves some other date
10 aforesaid, a period longer or shorter than 12 months but not exceeding 18 months
11 ending on the date so approved for the purpose of giving effect to an alteration to
12 the terminating date in a particular case.

13 (bb) “Game” means any game specified in a publication, together with an
14 account of the rules for the playing thereof, by the Tinian Casino Gaming Control
15 Commission as a game that may be conducted or played in a casino pursuant to a
16 casino license.

17 (cc) “Gaming” or “gambling” means the playing in a casino of any game.

18 (dd) “Gaming equipment” means any electronic, electrical or mechanical
19 contrivance or machine or any other physical item (excluding chips) used or for
20 use in casino in connection with gaming.

1 (ee) “Hotel” or “approved hotel” means building containing 300 sleeping
2 units, each of which shall contain at least 325 square feet measured to the center
3 of perimeter walls, including bathroom and closet space and excluding hallways,
4 balconies and lounges, each containing private bathroom facilities, and each held
5 available and used regularly for the lodging of tourists and guests and conforming
6 in all respects to the agreement referred to in 10 CMC § 2532. Such hotel may be
7 built in phases of not less than 100 sleeping units for each phase, where each
8 phase will be regulated and defined by the Tinian Casino Gaming Control
9 Commission. In no event shall the main entrance or only access to an approved
10 hotel be through a casino.

11 (ff) “Hotel-casino complex” means a hotel established within the area of
12 which is a casino and other business or amenities identified in an agreement
13 referred to in 10 CMC § 2532.

14 (gg) “Holding company” means any corporation, association, firm,
15 partnership, trust or other form of business organization not a natural person
16 which, directly or indirectly, owns, has the power or right to control, or has the
17 power to vote any significant part of the outstanding voting securities of a
18 corporation which holds or applies for a casino license. For the purpose of this
19 chapter, addition to any other reasonable meaning of the words used, a “holding
20 company” indirectly has, holds or owns any such power, right or security if it
21 does so through any interest in a subsidiary or successive subsidiaries, however

1 many such subsidiaries may intervene between the holding company and the
2 corporate licensee or applicant.

3 (hh) "Inspector" means:

4 (1) an inspector appointed by the Tinian Casino Gaming Control
5 Commission;

6 (2) a Commission employee who is or is appointed to be an
7 inspector by the Tinian Casino Gaming Control Commission;

8 (3) a person who is appointed as an inspector (whether by use of
9 that term or by use of another name containing that term) by the Tinian
10 Casino Gaming Control Commission; or

11 (4) any person who is, ex officio, an inspector under this chapter;

12 (ii) "Internet gaming" means the conduct of gambling games through the
13 use of communications technology that allows a person, utilizing money, checks,
14 electronic checks, electronic transfers of money, credit cards, debit cards or any
15 other instrumentality, to transmit to a computer information to assist in the
16 placing of a bet or wager and corresponding information related to the display of
17 the game, game outcomes or other similar information.

18 (jj) "Internet gaming operator" means a casino licensee permitted under
19 the act and the regulations to operate an internet gaming system.

1 (kk) "Investigation fee" means any moneys required by law to be paid to
2 investigate the applicant and any related or associated person or entity as the
3 TCGCC determines is necessary to protect the public interest.

4 (ll) "Junket" means an arrangement the purpose of which is to induce any
5 person, selected or approved for participation therein on the basis of his ability to
6 satisfy a financial qualification obligation related to his ability or willingness to
7 gamble or on any other basis related to his propensity to gamble, to come to a
8 license casino hotel for the purpose of gambling and pursuant to which, and as
9 consideration for which, any or all of the cost of transportation, food, lodging, and
10 entertainment for said person is directly or indirectly paid by a casino licensee or
11 employee or agent thereof.

12 (mm) "Junket enterprise" means any person who employs or otherwise
13 engages the services of a junket representative in connection with a junket to a
14 licensed casino, regardless of whether or not those activities occur within the
15 Commonwealth.

16 (nn) "Junket representative" means any natural person who negotiates the
17 terms of, engages in the referral, procurement or selection of persons who may
18 participate in, or accompanies for purposes of monitoring or evaluating the
19 participants in, any junket to a licensed casino, regardless of whether or not those
20 activities occur within the Commonwealth.

1 (oo) “License” means a gaming license, manufacturer’s or distributor’s
2 license.

3 (pp) “License fees” means any moneys required by law to be paid to
4 obtain or renew a plenary or conditional gaming license, manufacturer’s or
5 distributors license. The term “license fees” shall include any other types of fees
6 imposed by the TCGCC, not expressly identified or defined herein, which is
7 assessed as a matter of course in the conduct of effectuating this chapter.

8 (qq) “Licensee” means any person to whom a valid gaming license,
9 manufacturer’s or distributor’s license has been issued.

10 (rr) “Live training facility” means a temporary gaming facility which is
11 approved by TCGCC and is described in a conditional license agreement between
12 the licensee and TCGCC. The main purpose of a live training facility shall be to
13 train and prepare staff for future plenary license operations of an approved casino.

14 (ss) “Mayor” means the Mayor of Tinian and Aguiguan.

15 (tt) “Member of the police force” means member of the Department of
16 Public Safety of the Commonwealth of the Northern Marianas.

17 (uu) “Municipality” means the Municipality of Tinian and Aguiguan in the
18 Second Senatorial District, Commonwealth of the Northern Mariana Islands.

19 (vv) “Operation” means the conduct of gaming.

20 (ww) “Person” includes anybody corporate, association, firm, business, or
21 partnership as well as a natural person.

1 (xx) “Plenary license” means a casino license granted to an applicant who
2 has met all the licensure requirements as required under this chapter.

3 (yy) “Premium player” means a patron of a casino who opens a deposit
4 account with the casino operator with a credit balance of not less than US
5 \$20,000.00.

6 (zz) “Public interest or interest of the public” means public interest or the
7 interest of the public having regard to the creation and maintenance of public
8 confidence and trust in the credibility, integrity and stability of casino operations.

9 (aaa) “Property” means real property, tangible and intangible personal
10 property, and rights, claims and franchises of every nature.

11 (bbb) “Publicly traded corporation” means any corporation or other legal
12 entity, except a natural person, which:

13 (1) Has one or more classes of security registered pursuant to
14 section 12 of the Securities Exchange Act of 1934, as amended;

15 (2) Is an issuer subject to section 15(d) of the Securities Exchange
16 Act of 1934 as amended; or

17 (3) Has one or more classes or securities traded in any open market
18 in any foreign jurisdiction or regulated pursuant to a statute of any foreign
19 jurisdiction which the Commission determines to be substantially similar
20 to either or both of the aforementioned statutes.

1 (ccc) “Quarter” or “quarter of the year” means a period of three
2 consecutive months commencing on the first day of January, April, July or
3 October in any year.

4 (ddd) “Slot machine” means any mechanical, electrical or other device,
5 contrivance or machine which, upon insertion of a coin, token or similar object
6 therein, or upon payment of any consideration whatsoever, is available to play or
7 operate, the play or operation of which whether by reason of the skill of the
8 operator or applicant of the element of chance, or both, may deliver or entitle the
9 person playing or operating the machine to receive cash or tokens to be
10 exchanged for cash, or to receive merchandise or anything of value whatsoever,
11 whether the payoff is made automatically from the machine or in any other
12 manner whatsoever, except that:

13 (1) no merchandise or thing of value shall be offered as part of a
14 payoff of any slot machine unless such merchandise or thing of value has
15 a cash equivalent value of at least \$5,000; and

16 (2) the cash equivalent value of any merchandise or other thing of
17 value shall not be included in the total of all sums paid out as winnings to
18 patrons for purposes of determining gross revenues as defined herein or be
19 included in determining the payout percentage of any slot machine.

1 The Commission shall promulgate rules defining “cash equivalent value”
2 in order to assure fairness, uniformity and comparability of valuation of slot
3 machine payoffs.

4 A slot machine is a gambling amusement machine as referred to in 1 CMC
5 § 1402(c)(4).

6 (eee) “Statement of compliance” means a statement by the Commission
7 which may be issued to an applicant indicating satisfactory completion of a
8 particular stage or stages of the license consideration process, and which states
9 that unless there is a change of any material circumstances pertaining to such
10 particular stage or stages of license consideration involved in the statement, such
11 applicant has complied with requirements mandated by this chapter and by the
12 Commission and is therefore approved for license qualification to the stage or
13 stages for which the statement has been issued.

14 (ff) “Security” means any instrument evidencing a directly or indirect
15 beneficial ownership or creditor interest in a corporation, including but not limited
16 to, stock, common and preferred; bonds; mortgages; debentures; security
17 agreements; notes; warrants; options and right.

18 (ggg) “Subsidiary” means:

19 (1) Any corporation, any significant part of whose outstanding
20 equity securities are owned, subject to a power or right of control, or held

1 with power to vote, by a holding company or any intermediary company;

2 or

3 (2) A significant interest in any firm, association, partnership, trust
4 or other form of business organization, not a natural person, which is
5 owned, subject to a person or right of control, or held with power to vote,
6 by a holding company or an intermediary company;

7 (hhh) "Temporary casino complex" means those areas identified in a
8 conditional casino license agreement as a casino including an internet gaming
9 facility, as defined under this chapter or as authorized as a temporary live training
10 facility by the TCGCC. A licensee shall only operate a temporary live training
11 facility for a period of five (5) years.

12 (iii) "Tinian Casino Gaming Control Commission" or "Commission" or
13 "TCGCC" means the regulatory body referred to in 10 CMC § 2521.

14 (jjj) "Transfer" means the sale and every other method, direct or indirect,
15 of disposing of or parting with property or with an interest therein, or with the
16 possession thereof, or of fixing a lien upon property or upon an interest therein,
17 absolutely or conditionally, voluntarily or involuntarily, by or without judicial
18 proceedings, as a conveyance, sale, payment, pledge, mortgage, lien,
19 encumbrance, gift, security or otherwise; the retention of a security interest in
20 property delivered to a corporation shall be deemed a transfer suffered by such
21 corporation.

1 **§ 2514. Rules of Construction.**

2 (a) In construing the provisions of this chapter, save when otherwise
3 plainly declared or clearly apparent from the context:

4 (1) Words in the present tense shall include the future tense.

5 (2) Words in the masculine shall include the feminine and neuter
6 genders.

7 (3) Words in the singular shall include the plural and the plural
8 shall include the singular.

9 (b) A reference in this chapter to “casino operation” or “operation of a
10 casino” or to a like expression in relation to a casino is a reference to the
11 operation and conduct in respect of a casino of:

12 (1) gaming; and

13 (2) money counting surveillance, accounting, storage, and other
14 activities in connection with or related or incidental to gaming and its
15 operation and conduct in respect of a casino.

16 **Article 2. Administration.**

17 **§ 2521. Tinian Casino Gaming Control Commission.**

18 (a) There is hereby established a Tinian Casino Gaming Control
19 Commission charged with the administration of this chapter. The Commission
20 shall be composed of members to be appointed by the Mayor with the advice and
21 consent of the Tinian Municipal Council. The commissioners shall serve a term of

1 six years except that upon the first five appointments, two shall serve six-year
2 terms, two shall serve five-year terms, and one shall serve a four-year term, to be
3 determined by drawing of lots by the members after their confirmation. A person
4 shall not serve more than one term as commissioner.

5 (b) The Mayor shall within forty-five days after the effective date of this
6 chapter submit his appointment to the Council. To assist in such appointments, the
7 Mayor shall appoint commissioners from a list of qualified candidates. This list
8 shall be composed by the Office of the Mayor and published in a local newspaper
9 before the appointments are made. This list shall include nominees from all
10 Tinian political parties which are registered with the Commonwealth Board of
11 Elections.

12 (c) The Council shall within forty-five days from date of submission by
13 the Mayor act by conducting public hearings on the appointments and to notify
14 the Mayor in writing that:

15 (1) it has confirmed the appointee; or

16 (2) it has rejected the appointee.

17 (d) An appointed member may at any time resign his office by notice in
18 writing to the Mayor. Upon resignation, removal or expiration of the term of
19 appointment, the member shall cease to sit on the Commission and shall not be
20 included in a quorum count. Removal of a commissioner before the expiration of
21 his term shall occur only by the Mayor and on grounds of gross neglect or

1 dereliction of duty, conviction of a misdemeanor or felony, or mental or physical
2 incapacity, except that upon conviction of any felony or upon the finding of a
3 violation under this chapter, the Commissioner shall lose his position
4 automatically. Removal may be made after:

5 (1) The member has been served with a copy of the charges against
6 him; and

7 (2) A public hearing before the Mayor is held upon the charges if
8 requested by the member concerned. The request for a public hearing must
9 be made within 10 days after service upon such member of the charges. If
10 a hearing is not requested, a member is removed effective 10 days after
11 service of charges upon him. A record of the proceedings shall be kept.

12 An appeal to the Commonwealth Superior Court may be had by the
13 Commission member from an adverse ruling by the Mayor. The Commonwealth
14 Court shall uphold the decision if there was substantial evidence in the record to
15 support it. No new evidence may be presented to the Commonwealth Superior
16 Court on appeal.

17 (e) Vacancy in the Commission shall be filled in the same manner as in the
18 original appointment upon which the member shall only serve the term remaining
19 created by such vacancy.

20 (f) Eligibility for appointment as a Commission member:

21 (1) must be at least 25 years old;

1 (2) must be a domiciliary of Tinian not less than five years and a
2 qualified voter of Tinian preceding his or her appointment;

3 (3) must submit a personal financial statement covering the last
4 three years prior to his appointment;

5 (4) must not have been convicted of a violation of this chapter or a
6 felony; and

7 (5) must be of good moral character.

8 (g) Commission members shall elect from among themselves a chairman
9 and a vice-chairman to serve a term of two years. The Chairman and the vice-
10 chairman may be reelected. Members shall, no later than 60 days after the
11 Commission receives its first application and application fee for a casino license,
12 devote full time, without engaging in any other employment, to the affairs of the
13 Commission during their tenure. Each member shall receive compensation not to
14 exceed \$75,000 annually from a budget adopted by the Commission for its
15 operations and approved by the Tinian Municipal Council. Each member shall
16 receive compensation no less than \$50,000 annually with or without the approval
17 of the Tinian Municipal Council. The Chairman shall receive \$5,000 per annum in
18 addition to his compensation as a member of the Commission if he receives the
19 minimum salary specified herein. All members of the Commission shall have paid
20 or be entitled to reimbursement for their expenses actually and necessarily
21 incurred in the performance of their duties, including expenses of travel outside

1 the Municipality of Tinian. Each member of the Commission shall serve for the
2 duration of his term and until his successor shall be duly appointed and qualified.
3 In the event that a successor is not duly appointed and qualified within 120 days
4 after the expiration of the member's term, a vacancy shall be deemed to exist.

5 (h) Duties and Powers of the Commission. The Tinian Casino Gaming
6 Control Commission shall have general responsibility for the implementation of
7 this chapter, as hereinafter provided, including, without limitation, the
8 responsibility:

9 (1) To hear and decide promptly and in a reasonable order all
10 license, registration, certificate, and permit applications and causes
11 affecting the granting, suspension, revocation, or renewal of same by
12 applicants and licensees. Nothing contained herein shall be construed to
13 authorize the Commission to fine or penalize any individual or entity
14 which is not an applicant or licensee;

15 (2) To conduct all hearings, pertaining to civil violations of this
16 chapter or regulations promulgated thereunder in accordance with
17 Commonwealth law;

18 (3) To promulgate such regulations as in its judgment may be
19 necessary to fulfill the policies of this chapter, such regulations to be in
20 accordance with Commonwealth law;

1 (4) To collect all license and registration fees and taxes imposed by
2 this chapter and the regulations issued pursuant hereto;

3 (5) To levy and collect penalties for the violation of provisions of
4 this chapter and the regulations promulgated hereunder. Nothing contained
5 herein shall be construed to authorize the Commission to levy and collect
6 penalties from individuals or entities who are not applicants and licensees;

7 (6) To be present through its inspectors and agents at all times
8 during the operation of any casino for the purpose of certifying the
9 revenue thereof, receiving complaints from the public, and conducting
10 such investigations into the conduct of the games and the maintenance of
11 the equipment as from time to time the Commission may deem necessary
12 and proper; and

13 (7) Demand access to and inspect, examine, photocopy and audit
14 all papers, books and records of applicants and licensees, on their
15 premises, or elsewhere as practicable, and in the presence of the licensee
16 or his agent, respecting the gross income produced by any gaming
17 business, and require verification of income, and all other matters
18 affecting the enforcement of the policy or any of the provisions of this
19 section;

20 (8) To review and rule upon any complaint by a casino licensee
21 regarding any investigative procedures of the Division which are

1 unnecessarily disruptive of casino operations. The need to inspect and
2 investigate shall be presumed at all times. The disruption of licensee's
3 operations shall be proved by clear and convincing evidence, and establish
4 that:

5 (i) the procedures had no reasonable law enforcement
6 purposes, and

7 (ii) the procedures were so disruptive as to inhibit
8 unreasonably casino operations.

9 (i) Denials and Sanctions. The Commission shall assure, to the extent
10 required by this chapter, that licenses, approvals, certificates, or permits shall not
11 be issued to nor held by, nor shall there be any material involvement, directly or
12 indirectly, with the licensed casino operation or the ownership thereof by,
13 unqualified or disqualified person or persons whose operations are conducted in a
14 manner not conforming with the provisions of this chapter. In enforcing the
15 provisions of this chapter, the Commission shall have the power and authority to
16 deny any application; limit or restrict any license, registration, certificate, permit
17 or approval; suspend or revoke any license, registration, certificate, permit or
18 approval; and impose a penalty on any person licensed, registered, or previously
19 approved for any cause deemed reasonable by the Commission pursuant to rules
20 and regulations promulgated thereby, except that no such denial, limitation,
21 suspension or revocation shall be issued solely by reason of the fact that an

1 applicant, registrant, or licensee holds an interest in or is associated with any
2 licensed casino enterprise in any other jurisdiction.

3 (j) Subpoenas; Oaths. The Commission shall have the power and authority
4 to issue subpoenas and to compel the attendance of witnesses at any place within
5 this Municipality, to administer oaths and to require testimony under oath before
6 the Commission in the course of any investigation or hearing conducted under this
7 chapter. The Commission may serve or cause to be served its process of notice in
8 a manner provided for the service of process and notice in civil actions in the
9 accordance with the rules of court. The Commission shall have the authority, to
10 propound written interrogatories and the Commission may appoint hearing
11 examiners, to whom may be delegated the power and authority to administer
12 oaths, issue subpoenas, propound written interrogatories, oral depositions, and
13 require testimony under oath.

14 (k) Investigative hearings. The Commission shall have the authority to
15 conduct investigative hearings concerning the conduct of gaming and gaming
16 operations as well as the development and well-being of the industries controlled
17 by this chapter.

18 (l) Officers of the Commission. The Commission shall appoint as officers
19 an Executive Director, a Deputy Director, inspectors and other employees as
20 deemed necessary for the effectual administration of this chapter. The Executive

1 Director and Deputy Director are, ex officio, inspectors for the purposes of this
2 chapter.

3 (m) Appointment of other persons. In addition to the appointments of
4 officers in subsection (l) of this section, the Commission may appoint other
5 persons to perform such functions and duties as the Commission from time to
6 time determines for the effectual administration of this chapter.

7 (n) Persons appointed under this section shall be appointed on such terms
8 and condition as to remuneration and otherwise and are not subject to the
9 Commonwealth Civil Service System, except that all employees other than the
10 Executive Director and Deputy Director may be dismissed only for cause.

11 (o) Meetings and Quorum.

12 (1) Meetings of the Commission will be held at the discretion of
13 the chairman at such times and places as he may deem necessary and
14 convenient, or at the call of three members of the Commission.

15 (2) The Commission shall in all respects hold open meetings of all
16 of its proceedings.

17 (3) Any other law, rule or regulation to the contrary
18 notwithstanding, the Commission shall take all necessary steps to ensure
19 that all interested persons are given adequate notice of Commission
20 meetings, and the agenda of such meetings, through the utilization of all
21 media engaged in the dissemination of information.

1 (4) A simple majority of the Commission shall determine any
2 action of the Commission including the issuance of a conditional or
3 plenary casino license or interim casino authorization.

4 (5) The provisions of 10 CMC § 25146(d) shall be applicable to
5 this Section.

6 (p) Minutes and records.

7 (1) The Commission shall cause to be made and kept a verbatim
8 record of all proceedings held at public meetings of the Commission,
9 which record shall be open to public inspection. A true copy of the
10 minutes of every meeting of the Commission and of any regulations
11 finally adopted by the Commission shall be forthwith delivered, by and
12 under the certification of the chairman, to the Mayor of Tinian and Tinian
13 Municipal Council.

14 (2) The Commission shall keep and maintain a list of all applicants
15 for licenses and registrations under this chapter together with a record of
16 all actions taken with respect to such applicants, which file and record
17 shall be open to public inspection; provided, however, that the foregoing
18 information regarding any applicant whose license or registration has been
19 denied, revoked, or not renewed shall be removed from such list after five
20 years from the date of such action.

1 (3) The Commission shall maintain such other files and records as
2 may be deemed desirable.

3 (4) Except as provided in paragraph (7) of this subsection, all
4 information and data required by the Commission to be furnished
5 hereunder, or which may otherwise be obtained, relative to the internal
6 controls specified herein or to the earnings or revenue of any applicant,
7 registrant, or licensee shall be considered to be confidential and shall not
8 be revealed in whole or in part except in the course of the necessary
9 administration of this chapter, or upon the lawful order of a court of
10 competent jurisdiction, or, with the approval of the Attorney General, to a
11 duly authorized law enforcement agency.

12 (5) All information and data pertaining to an applicant's criminal
13 record, family, and background furnished to or obtained by the
14 Commission from any source shall be considered confidential and shall be
15 withheld in whole or in part, except that any information shall be released
16 upon the lawful order of a court of competent jurisdiction or, with the
17 approval of the Attorney General, to a duly authorized law enforcement
18 agency.

19 (6) Notice of the contents of any information or data released,
20 except to a duly authorized law enforcement agency pursuant to paragraph
21 (4) or (5) of this subsection, shall be given to any applicant, registrant, or

1 licensee in a manner prescribed by the rules and regulations adopted by
2 the Commission.

3 (7) The following information to be reported periodically to the
4 Commission by a casino licensee shall not be considered confidential and
5 shall be made available for public inspection:

6 (i) A licensee's gross revenue from all authorized games as
7 herein defined.

8 (ii) (A) the dollar amount of patron checks initially
9 accepted by a licensee,

10 (B) the dollar amount of patron checks deposited to
11 the licensee's bank account,

12 (C) the dollar amount of such checks initially
13 dishonored by the bank and returned to the licensee as
14 "uncollected", and

15 (D) the dollar amount ultimately uncollected, after
16 all reasonable efforts.

17 (iii) The amount of gross revenue tax actually paid.

18 (iv) A list of the premises and the nature of improvements,
19 costs thereof and the payees for all such improvements.

20 (v) A list of the premises and the nature of improvements
21 and costs thereof which constitute the cumulative investments.

1 (vi) All quarterly and annual financial statements
2 presenting historical data which are submitted to the Commission
3 including all annual financial statements which have been audited
4 by an independent certified public accountant licensed to practice
5 in the Commonwealth.

6 Nothing in this subsection shall be construed to limit access by the public
7 to all forms and documents required to be filed pursuant by the Commission.

8 (q) Powers not enumerated. The Commission may exercise any proper
9 power or authority necessary to perform the duties assigned to it by law, and no
10 specific enumeration of powers in the chapter shall be read to limit the authority
11 of the Commission to administer this chapter.

12 **§ 2522. Good repute of persons appointed as inspectors.**

13 The Tinian Casino Gaming Control Commission shall, before appointing
14 an inspector for the purposes of this chapter, or under this chapter, satisfy itself
15 from due inquiry caused to be made in that regard that the person to be appointed
16 is of good repute, having regard to character, honesty and integrity.

17 **§ 2523. Executive Director to organize work of Commission.**

18 The Executive Director shall be the chief administrative officer of the
19 Commission and, subject to the direction of the Commission, shall organize the
20 work of the Commission in a manner that will ensure its efficient and effective
21 operation.

1 **§ 2524. Deputy Director may act during absence, etc., of the Executive**
2 **Director.**

3 In the event of the illness or absence of the Executive Director and until a
4 new Executive Director is appointed, it is competent for the Deputy Director to
5 exercise the powers and functions and perform the duties of the Executive
6 Director, and any such exercise or performance by the Deputy Director in a
7 circumstance as aforesaid has the same force and effect as has such an exercise or
8 performance by the Executive Director and shall be taken to be an exercise or
9 performance by the Executive Director.

10 **§ 2525. Illness or absence of the Executive Director and Deputy**
11 **Director.**

12 In the event of the illness or absence of both the Executive Director and
13 Deputy Director, the exercise of the powers and function of the Executive
14 Director or the performance of his duties by the person who for the time being
15 occupies or performs the duties of the office of the Executive Director has the
16 same force and effect as has such and exercise or performance by the Executive
17 Director and shall be taken to be an exercise or performance by the Executive
18 Director.

19 **§ 2526. Power of delegation.**

1 (a) The Executive Director with the prior approval of the Commission
2 may, either generally or otherwise as provided by the instrument of delegation, by
3 instrument in writing under his hand, delegate:

4 (1) to a particular person; or

5 (2) to the holder of an office specifying the office but without
6 naming the holder all or any of his powers or functions under this chapter
7 (other than this power of delegation).

8 (b) A power or function so delegated may be exercised or performed by
9 the delegate in accordance with the instrument of delegation.

10 (c) A delegation may be made subject to such conditions or such
11 limitations as to the exercise or performance of any of the powers or functions
12 delegated or as to time, place or circumstances as may be specified in the
13 instrument of delegation.

14 (d) Subject to prior approval as referred to in subsection (a) of this section,
15 the Executive Director may make such and so many delegations under this section
16 and to such number of delegates as he considers necessary or desirable.

17 (e) Any chapter or thing done or suffered by a delegate while acting in the
18 exercise of a delegation under this section has the same force and effect as if the
19 chapter or thing had been done or suffered by the Executive Director.

20 (f) A delegation under this section does not prevent or prejudice the
21 exercise or performance of a power or function by the Executive Director.

1 (g) A delegation under this section is revocable at the will of the Executive
2 Director and shall be revoked by him if the Commission so directs.

3 **§ 2527. Police assistance.**

4 (a) Arrangements may be made between the Commission and the
5 Commonwealth Director of Public Safety with respect to:

6 (1) the rendering of assistance by the members of the police force;

7 (2) the supply of information contained in the records of the Police
8 Department;

9 (3) the making available of other resources and facilities of the
10 Police Department to the Executive Director and other officers of the
11 Commission for the purposes of the effectual administration of the
12 chapter.

13 (b) The Commonwealth Director of the Department of Public Safety shall
14 have the right to exercise his discretion as to those matters recited in the preceding
15 section.

16 **§ 2528. Secrecy.**

17 (a) Officers and employees of the Commission shall be bound to secrecy
18 by affidavit or solemn declaration in the prescribed form.

19 (b) An officer or an employee of the Commission so bound to secrecy
20 shall preserve and assist in preserving secrecy with regard to all matters that come
21 to his knowledge in his official capacity in connection with the administration of

1 this chapter and shall not communicate any such matter to any person save in the
2 exercise of his powers or performance of his duties under this chapter.

3 (c) An officer or an employee of the Commission who in contravention of
4 his affidavit or declaration of secrecy without lawful excuse reveals or
5 communicates any matter in respect of which he is bound to secrecy is in
6 violation of this chapter.

7 (d) Notwithstanding the provisions of this section, an officer or an
8 employee of the Commission may, if authorized by the Commission to do so,
9 reveal or communicate any matter coming to his knowledge as aforesaid to any
10 governmental agency, body, holder of an office or person specified by the
11 Commission; and the Commission may so authorize an officer and specify a
12 governmental agency, body, holder of an office or person as aforesaid in any case
13 where he deems it to be necessary or desirable to do so.

14 **§ 2529. Identification of inspectors, etc.**

15 (a) Every inspector shall be furnished with an identification card, signed
16 by the Executive Director, identifying him as an inspector.

17 (b) The Executive Director may cause any other officer or employee of the
18 Commission to be furnished with an identification card identifying the officer, in
19 any case where, having regard to the nature of the powers, functions or duties of
20 the officer in question, it is appropriate for him to have such means of
21 identification.

1 (c) An identification card shall be in the prescribed form and shall contain
2 the photograph and signature of the inspector or other officer concerned and any
3 other prescribed particulars.

4 (d) The identification card of an inspector or other officer shall be
5 sufficient evidence of his identity as such inspector or other officer in connection
6 with the exercise and performance by him of his powers, functions and duties
7 under this chapter and shall be produced by him on demand to any person who is
8 the subject of or affected by the exercise and performance of such powers,
9 functions and duties.

10 **§ 2530. Division of Enforcement.**

11 (a) There is hereby established a Division of Enforcement under the
12 Commission, to be headed by the Executive Director which shall have the
13 responsibility for enforcement of this chapter and for conducting investigations
14 under this chapter.

15 (b) Powers and Duties

16 (1) The Division shall promptly and in reasonable order investigate
17 all applications, enforce the provisions under this chapter and any
18 regulations promulgated thereunder, and prosecute before the Commission
19 all proceedings for violations of this chapter or any regulations
20 promulgated hereunder. The Division shall provide the Commission with
21 all information necessary for all action under article 3 of this chapter and

1 for all proceedings involving enforcement of the provisions of this chapter
2 or any regulations promulgated hereunder.

3 (2) The Division shall:

4 (i) Investigate the qualifications of each applicant before
5 any license, certificate, or permit is issued pursuant to the
6 provisions of this chapter;

7 (ii) Investigate the circumstances surrounding any act or
8 transaction for which Commission approval is required;

9 (iii) Investigate violations of this chapter and regulations
10 promulgated hereunder;

11 (iv) Initiate, prosecute and defend such proceedings before
12 the Commission, or appeals therefrom, as the Division may deem
13 appropriate;

14 (v) Provide assistance upon request by the Commission in
15 the consideration and promulgation of rules and regulations;

16 (vi) Conduct continuing review of casino operations
17 through onsite observation and other reasonable means to assure
18 compliance with this chapter and regulations promulgated
19 hereunder, subject to 10 CMC § 2521(h)(8).

20 (c) The Division shall refer for prosecution all criminal violations of this
21 chapter to the Attorney General. The Division and its employees and agents shall

1 have such law enforcement powers provided under this chapter and as may be
2 delegated to it by the Attorney General to effectuate the purposes of this chapter.

3 (d) The Division and its employees and agents, upon approval of the
4 Executive Director, shall have the authority, without notice and without warrant:

5 (1) To inspect and examine all premises wherein casino gaming is
6 conducted; or gaming devices or equipment are manufactured, sold,
7 distributed, or serviced, or wherein any records of such activities are
8 prepared or maintained;

9 (2) To inspect all equipment and supplies in, about, upon or around
10 such premises;

11 (3) To seize summarily and remove from such premises and
12 impound any such equipment or supplies for the purposes of examination
13 and inspection;

14 (4) To inspect, examine and audit all books, records, and
15 documents pertaining to a casino licensee's operation;

16 (5) To seize, impound or assume physical control of any book,
17 record, ledger, game, device, cash box and its contents, counting room or
18 its equipment, or casino operations; and

19 (6) To inspect the person, and personal effects present in a casino
20 facility licensed under this chapter, or any holder of a license or

1 registration issued pursuant to this chapter while that person is present in a
2 licensed casino facility.

3 (e) To effectuate further the purposes of this chapter, the Division and its
4 employees and agents may obtain administrative warrants for the inspection and
5 seizure of any property possessed, controlled, bailed or otherwise held by any
6 applicant, licensee, registrant, intermediary company, or holding company.

7 (f) The Division may investigate, for the purpose of prosecution, any
8 suspected violation of the provisions of this chapter or of any criminal activity
9 engaged in on the casino premises. For the purposes of the administration and
10 enforcement of this chapter, so far as it involves crimes against the property of
11 gaming licensees, the Commission, the Division and the executive, supervisory
12 and investigative personnel of both the Commission and the Division have the
13 powers of a peace officer of the Commonwealth.

14 (g) For the purpose of protecting members of the Commission and
15 providing security at meetings of the Commission or Division, the employees of
16 the Division have the powers of peace officers of the Commonwealth.

17 (h) The Division or the Commission shall initiate proceedings or actions
18 appropriate to enforce the provisions of this chapter and may request that the
19 Attorney General prosecute any public offense committed in violation of this
20 chapter. If the Division initiates any action or proceeding or requests the
21 prosecution of any offense, it shall immediately notify the Commission.

1 (i) The Commission and its employees shall exercise police powers
2 against non-licensees or applicants only to the extent that such “police powers” or
3 “powers of a peace officer” have been specifically delegated by the Department of
4 Public Safety. The Commission shall refer to the Office of the Attorney General
5 all requests for prosecutions of violations of the criminal code of the CNMI. The
6 Attorney General’s office shall then review and evaluate the referral and
7 independently determine whether criminal prosecution should be undertaken.
8 Neither the Commission or its employees shall undertake warrantless searches of
9 non-licensees unless such search is otherwise permitted by law and shall conduct
10 a warrantless search of licensees only pursuant to a waiver of rights given by the
11 licensee to the Commission or its employees.

12 **Article 3. Casino Licenses.**

13 **§ 2531. Grant of casino licenses.** Notwithstanding any other law to the
14 contrary:

15 (a) the Commission may grant not more than five casino licenses for a
16 period not to exceed forty (40) years which shall not be transferable, except as
17 proscribed in this chapter, provided that no casino licenses shall be authorized
18 within the vicinity of any church or school. The commission may grant a casino
19 license while hotel-casino complex is being built in phases, in accordance with
20 CMC § 2513(cc).

1 (b) the conduct and playing of games in the casino pursuant to a casino
2 license, in accordance with this chapter and any other applicable chapter and the
3 agreement relating to the particular license, is lawful;

4 (c) the use of any gaming equipment or chips in the conduct and playing
5 of games where such games are conducted and played in a casino pursuant to a
6 casino license is lawful.

7 (d) the conduct of internet gaming pursuant to a casino license, in
8 accordance with this chapter and any other applicable Act, the regulations
9 established by the Commission to regulate internet gaming and internet gaming
10 operators, and the operating agreement relating to the particular license permitting
11 the conduct of internet gaming, is lawful. Operating internet gaming is
12 conditioned on having a hotel with three hundred (300) units which may be built
13 in phases of 100 units per phase as authorized by TCGCC and an operational
14 Hotel-casino complex casino and the implementation of a geolocation software
15 limiting internet gaming activities to within intra-island borders of the Second
16 Senatorial District and between jurisdictions where the conduct of internet gaming
17 is legal.

18 (e) the conduct of airport gaming pursuant to a casino license, in
19 accordance with this chapter and any other applicable Act, the regulations
20 established by the Commission to regulate airport gaming and airport gaming
21 operators relating to the particular license permitting the conduct of airport

1 gaming, is lawful. Operating airport gaming is conditioned on having an
2 operational 300 room hotel-casino complex in Tinian; however, the hotel may be
3 built in phases of 100 units per phase as authorized by TCGCC.

4 **§ 2532. Agreement to precede grant of casino license.**

5 (a) Notwithstanding any other provision of this chapter, no casino license
6 shall be issued by the Casino Gaming Control Commission until and unless the
7 Mayor of the Municipality of Tinian certifies that the casino's master plan
8 conforms with Commonwealth and Municipal laws relative to sewage treatment
9 and infrastructure planning of the casino(s). The Commission may grant a casino
10 license pursuant to its power to do so under 10 CMC § 2531(a) where:

11 (1) there has first been entered into with its approval an agreement
12 between:

13 (i) The Executive Director for and on behalf of the
14 Commission and the casino licensee; or

15 (ii) The Executive Director for and on behalf of the
16 Commission and some other person whom the Commission
17 considers to be the appropriate person to be a party to the
18 agreement with a view to the issue of a casino license to the casino
19 licensee, identifying, within a hotel-casino complex or a proposed
20 hotel-casino complex the casino to be the subject of the license and

1 containing such terms and condition as the Commission thinks fit;
2 and

3 (2) those terms and conditions contained in the agreement and the
4 provisions of this chapter and any provisions of the chapter ratifying the
5 agreement to be complied with up to the time of the grant of the casino
6 license have been complied with.

7 (b) The agreement shall have no force or effect unless and until it is
8 approved by the Commission.

9 (c) The agreement shall include but need not be limited to:

10 (1) The size, structure, design and layout and furnishings of the
11 casino and the casino-hotel;

12 (2) The location of the casino-hotel complex;

13 (3) The plans of the applicant for hiring, training and promotion of
14 local employees, their rate of pay and benefits;

15 (4) The consideration of the impact of businesses within the hotel-
16 casino premises will have on existing businesses on Tinian;

17 (5) All matters of casino operations referred to in article 7 of this
18 chapter.

19 **§ 2533. Suitability of casino licensee and other persons.**

20 (a) Prior to an agreement being entered into, the Commission shall cause
21 to be undertaken such investigations as are necessary to satisfy the Commission or

1 shall require the casino licensee and all persons whether natural persons or not
2 associated or not associated or connected or to be connected, in the opinion of the
3 Executive Director, with the ownership, administration or management of the
4 operations or business of the casino licensee to satisfy the Commission that such
5 casino licensee and such persons as aforesaid are suitable persons to be associated
6 or connected with the management and operations of a hotel-casino complex or
7 casino having regard to the following matters appropriate to them respectively,
8 that is to say:

9 (1) that each person in question is of good repute, having regard to
10 character, honesty and integrity;

11 (2) that each person in question is of sound and stable financial
12 background;

13 (3) in the case of the casino licensee not being a natural person,
14 that it has arranged or, as the circumstances require, has, in an appropriate
15 case, a satisfactory ownership, trust or corporate structure;

16 (4) that the casino licensee has or is able to obtain or, where
17 constituted by more than one person, together have or are able to obtain:

18 (i) financial resources that are adequate to ensure the
19 financial viability of the hotel-casino complex; and

20 (ii) the services of persons who have sufficient experience
21 in the management and operation of a hotel-casino complex;

1 (5) that the casino licensee has or, where constituted by more than
2 one person, together have sufficient business ability to establish and
3 maintain or to maintain, as the case may be, a successful hotel-casino
4 complex;

5 (6) that none of them has any business association with any person,
6 body or association who, in the opinion of the Commission or the
7 Gambling Commissions of New Jersey or Nevada after investigation made
8 or caused to be made by the Executive Director, is not of good repute
9 having regard to character, honesty and integrity or has undesirable or
10 unsatisfactory financial sources;

11 (7) that each director, partner, trustee, executive officer and
12 secretary and any other officer or person determined by the Commission
13 associated or connected or to be associated or connected with the
14 ownership, administration or management of the operations or business of
15 the casino licensee is a suitable person as or to be such director, partner,
16 trustee, executive officer, secretary or other officer or person in his
17 respective capacity; and

18 (8) such other matters with respect to which the Commission
19 determines it should be satisfied in the particular case.

20 (b) Nothing contained in subsection (a) of this section operates to require
21 the Commission to cause investigations to be undertaken or to require the casino

1 licensee or other persons referred to in that subsection to satisfy the Commission
2 with respect to any matter where such investigations have been undertaken or the
3 casino licensee or any other person as aforesaid has satisfied the Commission with
4 respect to that matter pursuant to this chapter.

5 (c) A person who has had his application for a license denied or who has
6 been found unsuitable by the Commission:

7 (1) is not entitled to profit from his investment in a:

8 (i) corporation other than a publicly traded corporation, as
9 that term is defined in this chapter;

10 (ii) partnership;

11 (iii) limited partnership; or

12 (iv) joint venture, which has applied for or been granted a
13 license.

14 (2) shall not retain his interest in a corporation, partnership, limited
15 partnership or joint venture beyond that period prescribed by the
16 Commission.

17 (3) shall not accept more for his interest in a corporation,
18 partnership, limited partnership or joint venture than he paid for it or the
19 market value on the date of the denial of the license or finding of
20 unsuitability.

1 (d) The Commission may proceed pursuant to 10 CMC § 2530(h) to
2 enforce the provisions of subsection (a) of this subsection.

3 **§ 2534. Hotel-casino complex owner as licensee.**

4 (a) The person to whom a plenary casino license is granted shall be the
5 owner of the hotel-casino complex in question.

6 (1) The person to whom an internet casino license is granted shall
7 be the owner of the hotel-casino complex of this subsection (a).

8 (b) Save in the case of an assignment as referred to in 10 CMC § 2545 and
9 subject to that section, a ground for cancellation or suspension of the casino
10 license arises and shall be taken to be a ground for cancellation or suspension
11 arising pursuant to 10 CMC § 2544(a), if the casino licensee ceases to be the
12 owner as aforesaid.

13 **§ 2535. Casino license.**

14 (a) A casino license shall be issued by the Commission under its approval
15 and shall be in the prescribed form.

16 (b) The license shall specify:

17 (1) the date of its issue;

18 (2) the name of the casino licensee;

19 (3) the real property or other accurate description and the address
20 or the site of the hotel-casino complex;

21 (4) those areas constituting the casino; and

1 (5) such other particulars as may be prescribed.

2 (c) Where pursuant to the agreement as referred to in 10 CMC § 2532 a
3 variation occurs affecting the accuracy of the matters specified in the casino
4 license, the casino licensee shall produce the license to the Commission for the
5 endorsement thereon of the variation, and the Commission shall cause such
6 variation to be made accordingly.

7 **§ 2536. Duration of casino license.**

8 A casino license remains in force until it is canceled, suspended, or
9 surrendered pursuant to this chapter.

10 **§ 2537. Lease of hotel-casino complex or of casino.**

11 (a) Subject to this chapter, a casino licensee may subject to the prior
12 approval of the Commission, lease to another person:

13 (1) the hotel-casino complex; or

14 (2) the casino.

15 (b) An application to lease shall be made by the casino licensee to the
16 Commission in the prescribed form and shall be accompanied by a draft of the
17 proposed lease, full details of the proposed lessee and such other particulars as
18 may be prescribed.

19 (c) The Executive Director may require the casino licensee or the
20 proposed lessee to supply him such additional information or documents or other

1 writings as he considers necessary to enable him to make a recommendation to
2 the Commission.

3 **§ 2538. Casino management agreement.**

4 (a) Subject to this chapter, a casino licensee or a lessee under a casino
5 lease may, subject to the prior approval of the Commission, enter into a casino
6 management agreement with another person for the management by that other
7 person of:

8 (1) the hotel-casino complex; or

9 (2) the casino.

10 (b) An application to enter into such agreement shall be made by the
11 casino licensee or the lessee under the casino lease to the Executive Director in
12 the prescribed form and shall be accompanied by a draft of the proposed
13 agreement, full details of the other party to the proposed agreement and such other
14 particulars as may be prescribed.

15 (c) The Executive Director may require the casino licensee, the lessee
16 under the lease or the other party to the proposed agreement to supply to him such
17 additional information or documents or other writings as he considers necessary
18 to enable him to make a recommendation to the Commission.

19 **§ 2539. Suitability of lessee under a casino lease, casino operator**
20 **under a casino management agreement and other person.**

1 (a) Prior to any approval by the Commission of a casino lease or a casino
2 management agreement, the Executive Director shall cause to be undertaken such
3 investigations as are necessary to satisfy the Commission or shall require the
4 proposed lessee under the lease or the proposed casino operator under the
5 agreement and all persons whether natural persons or not associated or connected
6 or to be associated or connected, in the opinion of the Executive Director, with the
7 ownership, administration or management of the operations or business of the
8 proposed lessee or proposed casino operator to satisfy the Commission that
9 proposed lessee or proposed casino operator and such persons as aforesaid are
10 suitable persons to be associated or connected with the management and
11 operations of a hotel-casino complex or casino having regard to those matters
12 specified in 10 CMC § 2533 with respect to a casino licensee and other persons
13 referred to therein but subject to a reference to a hotel-casino complex being read
14 as a reference to a casino in an applicable case and subject to such other
15 adaptations as are necessary for the purpose of their application to such proposed
16 lessee or proposed casino operator and other persons.

17 (b) Nothing contained in subsection (a) of this section operates to require
18 the Executive Director to cause investigations to be undertaken or to require a
19 proposed lessee under a casino lease or a proposed casino operator under a casino
20 management agreement or other persons referred to in that subsection to satisfy
21 the Commission with respect to any matter where such investigations have been

1 undertaken or a proposed lessee or proposed casino operator or any other person
2 as aforesaid has satisfied the Commission with respect to that matter pursuant to
3 this chapter.

4 **§ 2540. Executive Director to make recommendation.**

5 The Executive Director, upon a consideration of the matters material to the
6 application shall make a recommendation to the Commission with respect to:

7 (a) the application by the casino licensee to lease to the proposed lessee
8 the hotel-casino complex or the casino; or

9 (b) the application by the casino licensee or lessee under a casino lease to
10 enter into a casino management agreement with the other party proposed for the
11 management by that other party of the hotel-casino complex or the casino, as the
12 case may be.

13 **§ 2541. Determination by the Commission concerning approval.**

14 (a) The Commission, upon a consideration of the recommendation of the
15 Executive Director and such other matters with respect of the application as it
16 thinks fit, may:

17 (1) approve the application;

18 (2) refuse the application; or

19 (3) defer a determination pending the submission of further
20 information.

1 (b) Where further information is so submitted, it shall be considered by the
2 Commission together with any further recommendation by the Executive Director
3 may make, and upon such consideration, the Commission may approve or refuse
4 the application.

5 (c) A determination by the Commission to grant an application or to refuse
6 an application is final and conclusive.

7 **§ 2542. Variation of casino lease or casino management agreement.**

8 (a) If in any case the parties to a casino lease or casino management
9 agreement desire to vary its provisions, they shall make application to the
10 Executive Director setting out the variations proposed and such other particulars
11 as may be prescribed or as may be required by the Executive Director.

12 (b) The Executive Director shall make a recommendation to the
13 Commission with respect to the application.

14 (c) The Commission, upon a consideration of the recommendation of the
15 Executive Director and such other matters with respect to the application as it
16 thinks fit, may:

17 (1) approve the application;

18 (2) refuse the application; or

19 (3) defer a determination pending the submission of further
20 information and the provisions of 10 CMC §§ 2541(b) and (c) shall apply

1 to an application under this section in all respects as they apply to an
2 application referred to 10 CMC § 2541.

3 (d) The parties to the casino lease or casino management agreement may
4 vary the casino lease or casino management agreement only where and the extent
5 the variation is approved by the Commission.

6 (e) The provisions of 10 CMC § 25146(d) shall be applicable to this
7 section.

8 **§ 2543. Investigations concerning continued suitability of casino**
9 **licensee, etc.**

10 (a) At any time and from time to time:

11 (1) after an agreement has been entered into pursuant to 10 CMC §
12 2532;

13 (2) while the casino license in relations to such agreement remains
14 in force;

15 (3) after approval by the Commission of a casino lease or casino;
16 management agreement pursuant to 10 CMC § 2541; or

17 (4) while such casino lease or casino management agreement
18 remains in force, the Executive Director may cause to be undertaken such
19 investigations as are necessary to satisfy the Commission or may require
20 the casino licensee, lessee under the casino lease or casino operator under
21 the casino management agreement and all persons whether natural persons

1 or not for the time being associated or connected or to be associated or
2 connected, in the opinion of the Executive Director, with the ownership,
3 administration or management of the operations or business of the
4 licensee, lessee or operator to satisfy the Commission that such licensee,
5 lessee or operator and such person as aforesaid are suitable persons to be
6 associated or connected with the management and operations of a hotel-
7 casino complex or casino having regard to those matters, appropriate to
8 them respectively, specified in 10 CMC § 2533 subject, in the case of a
9 lessee or operator and other associated or connected persons as aforesaid
10 in relation to such lessee or operator, to a reference to a hotel-casino
11 complex being read as a reference to a casino in an applicable case and to
12 such other adaptations as are necessary for the purpose of the application
13 of those matters to such lessee or operator and other persons. The
14 cooperation and assistance of the Federal Bureau of Investigations,
15 Interpol, and the Nevada and New Jersey Gaming Commissions and
16 other jurisdictions shall be sought where appropriate.

17 (b) Where the Commission is not satisfied in accordance with subsection
18 (a) of this section following investigations undertaken and requirements made as
19 specified in that subsection, a ground for cancellation or suspension of the casino
20 license thereby arises and shall be taken to be a ground for cancellation or
21 suspension pursuant to 10 CMC § 2544(a).

1 **§ 2544. Cancellation or suspension of casino licenses and letters of**
2 **censure.**

3 (a) A ground for cancellation or suspension of a casino license arises if the
4 casino licensee or, in the case of a casino management agreement, the casino
5 operator who has entered into such agreement with the casino licensee or the
6 lessee under a casino lease:

7 (1) is found in violation of this chapter;

8 (2) is convicted of an offense, punishable in the particular case by
9 imprisonment for 12 months or more irrespective of whether the offense is
10 also punishable by a fine, in addition to or as an alternative to the
11 punishment by imprisonment;

12 (3) fails to comply with any term or condition of the agreement as
13 referred to in 10 CMC § 2532 pursuant to which the casino license was
14 granted, which term or condition is binding on him;

15 (4) or any director, partner, trustee, executive officer, secretary or
16 other officer or person determined by the Executive Director associated or
17 connected with the ownership, administration or management of his
18 operations or business is not or ceases to be at any time while the casino
19 license is in force a suitable person to be so associated or connected as
20 aforesaid having regard to those matters specified in 10 CMC §§ 2533 or
21 2539 to him;

1 (5) refuses or fails to comply with any direction given to him in
2 writing by the Executive Director pursuant to any provision of this chapter
3 and with which it is his duty to comply, and which refusal or failure to
4 comply, in the opinion of the Executive Director, jeopardizes the integrity
5 of the operation of the casino or adversely affects the interest of the
6 public;

7 (6) where required under this chapter to supply information to the
8 Executive Director, or an inspector, supplies information to him that is, to
9 his knowledge, false or erroneous; or

10 (7) fails to discharge his financial commitments, becomes
11 bankrupt or compounds with his creditors or otherwise takes advantage of
12 the laws in force for the time being relating to bankruptcy or is the subject
13 of winding up, either voluntarily or pursuant to court order, appointment
14 of a liquidator, appointment of a receiver or receiver and manager or is
15 placed under official management and an official manager appointed
16 pursuant to applicable provisions of the Commonwealth Code.

17 (b) Where a ground for cancellation or suspension pursuant to subsection
18 (a) of this section arises and the Executive Director is of the opinion that the
19 chapter or omission or other thing constituting the ground is of such a serious and
20 fundamental nature that the integrity of the operation of the casino is jeopardized
21 or the interest of the public is adversely affected, he shall issue to:

1 (1) the casino licensee; and

2 (2) in the case of a casino lease, the lessee thereunder; and

3 (c) in the case of a casino management agreement, the casino
4 operator thereunder;

5 A notice in writing requiring him or each of them, as the case may be, to
6 show cause why action should not be taken with respect to the casino license or,
7 as the case may be, the casino lease or casino management agreement pursuant to
8 the provisions of this section.

9 (c) The Executive Director shall issue a copy of the notice to any other
10 person who, in his opinion, has an interest in the casino license.

11 (d) The notice shall set out the grounds giving rise to its issue and shall
12 stipulate a date, being no earlier and 21 days after such issue, on or before which
13 cause is required to be shown.

14 (e) Save where a form of notice to show cause is prescribed by regulations
15 under this chapter, the notice shall be in such form and contain such matters as the
16 Executive Director thinks fit, subject to the provisions of this section and the
17 provisions of the Commonwealth Administrative Procedure Act.

18 (f) Each person to whom the notice is issued may give answer thereto in
19 writing to the Executive Director to show cause at any time not later than the date
20 stipulated in the notice in that respect.

1 (g) Any person having an interest as referred to in subsection (c) of this
2 section may make such submissions to the Executive Director as he thinks fit at
3 any time not later than the stipulated date.

4 (h) The Executive Director shall consider the answers given in reply to the
5 notice or notices to show cause and any submissions made pursuant to subsection
6 (g) of this section and:

7 (1) if in his opinion satisfactory answers are given or submissions
8 made in reply to or in respect of the notice or notices, he shall take no
9 further action in relation thereto;

10 (2) if in his opinion answers given or submissions made in reply to
11 or in respect of the notice or notices are not satisfactory but action to
12 cancel or suspend the casino license or to terminate the casino lease or
13 casino management agreement is not warranted, he may issue a letter of
14 censure to each of them the casino licensee, the lessee and the casino
15 operator or to any of them censuring them or him in respect of any matter
16 connected with or giving rise to the notice to show cause;

17 (3) if in his opinion answers given or submissions made in reply to
18 or in respect of the notice or notices are not satisfactory and further action
19 is warranted or if no answers are given and no submissions made, he may:

20 (i) by notice in writing give to each of them the casino
21 licensee, the lessee and the casino operator or to any of them any

1 direction that he considers appropriate to ensure that any matter
2 connected with or giving rise to the issue of the notice is rectified
3 within a time specified in the notice; or
4 (ii) recommend to the Commission that the casino license
5 be canceled or that it be suspended or that the casino lease or
6 casino management agreement be terminated.
7 (i) If a direction given by the Executive Director pursuant to subsection
8 (h)(3)(i) of this section is not complied with within the time specified in the
9 notice, the Executive Director may recommend to the Commission that the casino
10 license be canceled or that it be suspended or that the casino lease or casino
11 management agreement be terminated.
12 (j) Where a ground for cancellation or suspension pursuant to subsection
13 (a) of this section arises but the Executive Director is of the opinion that the
14 chapter or omission or other thing constituting the ground is not of such a serious
15 and fundamental nature that the integrity of the operation of the casino is
16 jeopardized or the interest of the public is adversely affected, he may issue a letter
17 of censure to each of them the casino licensee, the lessee and the casino operator
18 as aforesaid or to any of them censuring them or him in respect of any matter
19 connected with or giving rise to the ground for cancellation or suspension.
20 (k) Where the Executive Director makes a recommendation to the
21 Commission, he shall submit therewith such notices to show cause and answers

1 thereto, any submissions made in connection therewith and such other papers in
2 his possession as are relevant to the recommendation.

3 (l) The Commission, after giving consideration to the recommendation of
4 the Executive Director, other matters referred to in subsection (k) of this section
5 submitted to it and to the circumstances generally, may in its absolute discretion:

6 (1) take no action with respect to the casino license or casino lease
7 or casino management agreement if he considers action to be not
8 warranted;

9 (2) cause a letter of censure to be issued to each of them the casino
10 licensee, the lessee and the casino operator as aforesaid or to any of them
11 by the Executive Director censuring them or him concerning any matter
12 in respect of which the Commission considers it proper to do so;

13 (3) by notice in writing give or cause to be given on his behalf to
14 each of the casino licensee, the lessee and the casino operator or to any of
15 them any direction that they consider appropriate to ensure that any matter
16 connected with or giving rise to the issue to the notice is rectified within a
17 time specified in the notice;

18 (4) unless a receiver and manager has been appointed pursuant to
19 10 CMC § 2545, appoint an administrator subject to such terms and
20 conditions as he thinks fit for the purposes as referred to in subsection
21 (n) of this section.

1 (m) A letter of censure issued under this section shall become a permanent
2 part of the records of the Commission in relation to the casino license or casino
3 lease or casino management agreement or any person censured.

4 (n) An administrator appointed by the Commission pursuant to subsection
5 (l)(4) of this section shall:

6 (1) assume full control of and responsibility for the business of the
7 casino licensee in respect of the hotel-casino complex or the casino;

8 (2) conduct or cause to be conducted casino operations in
9 accordance with this chapter. The appointment as administrator shall be
10 determined by the appointment of a receiver and manager or an
11 assignment of the casino license pursuant to 10 CMC § 2545.

12 (o) Notwithstanding any other provision of this chapter, the Commission,
13 if the Commission considers in its absolute discretion that the circumstance are so
14 extraordinary that it is imperative in the public interest to do so, may cancel the
15 casino license or suspend it for such period as it thinks fit or direct the termination
16 of the casino lease or casino management agreement.

17 (p) A decision by the Commission to cancel or suspend a casino license:

18 (1) shall be effective on and from a date and time of day
19 determined by the Commission;

20 (2) in the case of suspension of a casino license, shall be for such
21 period as the Commission thinks fit; and

1 (3) shall be notified in writing by the Executive Director to the
2 casino licensee and, where there is also a lessee or casino operator as
3 aforesaid, to such lessee or casino operator.

4 (q) Where a casino license is suspended pursuant to this section, the
5 Commission, after first considering a recommendation by the Executive Director
6 relating to the matter, may at any time cancel the balance of the period of
7 suspension still to run or reduce the period of suspension still to run by a period
8 stipulated by them.

9 (r) A suspension of a casino license shall, while it remains in force, have
10 the same effect as a cancellation of such license without prejudice to any penal or
11 other liability actually incurred by the casino licensee, a lessee under a casino
12 lease or a casino operator under a casino management agreement or to the
13 exercise of the powers of the Executive Director, or any inspector under this
14 chapter.

15 (s) The Commission's direction referred to in subsection (15) shall be
16 given in writing to the parties to the lease or agreement and shall specify a date on
17 which the lease or agreement is terminated under this chapter if not sooner
18 terminated.

19 (t) The lease or agreement, if not sooner terminated by the parties thereto,
20 is terminated by force of this chapter on the date specified in the direction in that
21 behalf.

1 (u) The termination of the lease or agreement by force of this chapter does
2 not affect the rights and obligations of the parties thereto up to the time of such
3 termination.

4 (v) No liability for breach of the lease or agreement attaches to any party
5 thereto by reason only of its termination by force of this chapter.

6 (w) A decision by the Commission to cancel or suspend a casino license or
7 to direct the termination of casino lease or casino management agreement is final
8 and conclusive.

9 (x) The provisions of 10 CMC § 25146(d) shall be applicable to this
10 Section.

11 **§ 2545. Mortgage and assignment of casino license, etc.**

12 (a) A casino licensee shall not mortgage, charge or otherwise encumber:

13 (1) the casino license;

14 (2) the hotel-casino complex to which the casino license related; or

15 (3) the rights and benefits under the agreement in question as

16 referred to in 10 CMC § 2539 save with the prior consent of the

17 Commission so to do to a person approved by the Commission (which

18 person is hereafter in this section referred to as “the mortgagee”).

19 (b) Where the mortgagee wishes to enforce his security under the
20 mortgage, charge or other encumbrance pursuant to his rights thereunder:

1 (1) the casino license and the rights, benefits and obligations under
2 the relevant agreement, shall be assigned only to a person approved by the
3 Commission;

4 (2) any receiver and manager appointed shall be a person approved
5 by the Commission having regard to the provisions of subsection (e) if this
6 section.

7 For the purpose of giving effect to the provisions of subsection (e)
8 of this section, the name of a proposed receiver and manager may be
9 submitted to the Executive Director at any time.

10 (c) As a condition precedent to the approval by the Commission referred
11 to in subsection (b)(1) of this section, the Commission may require that a further
12 agreement in writing be entered into between:

13 (1) the Executive Director for and on behalf of the Commission
14 and the proposed assignee; or

15 (2) the Executive Director for and on behalf of the Commission
16 and some other person whom the Commission considers to be the
17 appropriate person be a party to the agreement with a view to the
18 assignment of the casino license to the proposed assignee containing such
19 terms and conditions with respect to the assignment and the proposed
20 assignee as the Commission thinks fit.

1 (d) Any such further agreement shall have no force or effect unless and
2 until it is approved by the Commission.

3 (e) Prior to any approval by the Commission pursuant to subsection (b) of
4 this section, the Executive Director shall cause to be undertaken such
5 investigations as are necessary to satisfy the Commission or shall require the
6 proposed person and all persons whether natural persons or not associated or
7 connected or to be associated or connected, in the opinion of the Executive
8 Director, with the ownership, administration or management of the operations or
9 business of the proposed person to satisfy the Commission that such proposed
10 person and such persons as aforesaid are suitable persons to be associated or
11 connected with the management and operations of a hotel-casino complex or
12 casino having regard to the matters appropriate to them respectively that are set
13 out in paragraphs (1) to (8) of 10 CMC § 2533(a), subject to such adaptation of
14 those paragraphs as are necessary for the purpose of their application to such
15 proposed person and other persons as aforesaid, and having regard to such other
16 matters with respect to which the Commission determines it should be satisfied in
17 the particular case. The cooperation and assistance of the Federal Bureau of
18 Investigations, New Jersey and Nevada Gaming Authorities and Interpol and
19 other jurisdictions shall be sought where appropriate.

20 A reference in this subsection to a proposed person is a reference to a
21 proposed assignee or a proposed receiver and manager, as the case requires.

1 (f) Upon a casino license being assigned, the assignee is the casino
2 licensee in respect of the casino license in question, and the Executive Director
3 shall cause the license to be amended to show the name of the assignee, the date
4 of the assignment and such other particulars as may be prescribed; and the license
5 shall be made available to the Executive Director for the purpose of amendment
6 accordingly.

7 (g) A decision by the Commission to approve or not to approve of a
8 person pursuant to subsection (b) of this section is final and conclusive.

9 **§ 2546. Surrender of casino license.**

10 (a) The Commission, subject to this section, may accept the surrender of a
11 casino license.

12 (b) Application for acceptance of surrender shall be made in writing by the
13 casino licensee to the Executive Director and shall set out in detail the grounds on
14 which it is made.

15 (c) Upon a consideration of the application and the grounds on which it is
16 made, the Executive Director shall make a recommendation to the Commission to
17 accept or not to accept the surrender.

18 (d) The Commission may decide to accept the surrender or not to accept it
19 after taking into consideration the recommendation of the Executive Director, but
20 they shall not accept the surrender unless they are satisfied that there are

1 circumstances existing in which the continued operation of the casino is not in the
2 best interests of the casino licensee or of the public.

3 **Article 4. Licensing of Employees of Casinos.**

4 **§ 2551. Unlicensed persons not to be casino key employees or casino**
5 **employees.**

6 (a) A person shall not work as or be a casino key employee or a casino
7 employee unless:

8 (1) in the case of a casino key employee, the person is the holder of
9 a casino key employee license and in the case of a casino employee, the
10 person is the holder of a casino employee license.

11 (2) the person is of or above the age of 18 years; and

12 (3) the person is employed in the type of work specified in the
13 license.

14 (b) A person shall not employ or cause or suffer to be employed in a
15 casino as a casino key employee or a casino employee any person:

16 (1) who in the case of employment as a casino key employee is not
17 the holder of a casino key employee license and in the case of
18 employment as a casino employee is not the holder of a casino employee
19 license;

20 (2) who is under the age of 18 years; or

1 (3) unless he employs or causes or suffers to be employed that
2 person in the type of work specified in the casino key employee license or
3 the casino employee license of which that person is the holder.

4 (c) A person shall not allocate or cause or suffer to be allocated to a casino
5 key employee or casino employee any type or work in a casino that is a type of
6 work other than the type of work specified in the license of that employee.

7 **§ 2552. Application for license.**

8 (a) An application for a casino key employee license or a casino employee
9 license shall be made by the applicant and addressed to the Executive Director
10 and shall, according to the application in question:

11 (1) be in the prescribed form;

12 (2) be accompanied by the prescribed fee in respect thereof;

13 (3) specify the type of license applied for;

14 (4) specify from the prescribed list the type of work proposed to
15 be performed by him as a licensee;

16 (5) contain or be accompanied by the prescribed information and
17 particulars with respect to the applicant;

18 (6) be accompanied by such other records, reports, documents and
19 writings relating to the applicant as may be prescribed;

20 (7) be forwarded to or lodged with the Executive Director;

1 (8) be accompanied by a letter from a casino operator addressed to
2 the Executive Director stating that he intends to employ the applicant
3 (subject, in an appropriate case, to the successful completion by the
4 applicant of a training course in the type of work referred to in paragraph
5 (4) of this subsection in the type of work referred to in paragraph (4) upon
6 his being granted a license as applied for; and

7 (9) be accompanied by a certificate in the prescribed form from the
8 casino operator referred to in paragraph (8) of this subsection that the
9 applicant has successfully completed a training course approved pursuant
10 to this chapter or is otherwise qualified by experience (specified in the
11 certificate) appropriate to the type of work referred to in paragraph (4) of
12 this subsection;

13 Provided that where such a training course has not been completed at the
14 time of the making of the application and the successful completion of the
15 training course is to be relied on by the applicant, the application may be
16 supported by a certificate as aforesaid forwarded to the Executive Director upon
17 the successful completion of the training course provided the certificate is so
18 forwarded within the time prescribed for the forwarding of a supporting certificate
19 in the circumstances or, if a time is not prescribed, within a time approved by the
20 Executive Director.

1 (b) It is a condition precedent to consideration of an application for a
2 license under this Part that the applicant is agreeable to having his photograph,
3 finger prints and palm prints taken.

4 **§ 2553. Requirement to apply for casino key employee license in**
5 **certain cases.**

6 (a) Where the Executive Director is of the opinion that:

7 (1) any person associated with or employee of a casino has the
8 power to exercise a significant influence over or with respect to the casino;

9 or

10 (2) any person associated with or employee of a casino, by reason
11 of his remuneration or policy making position or by reason of any other
12 criteria determined by the Executive Director, holds or exercises or is able
13 to exercise authority of such a nature or to such an extent in respect of the
14 operation of the casino as to render it desirable in the public interest that
15 he be licensed as a casino key employee, he shall, by notice in writing,
16 require that person to apply for a casino key employee license within
17 seven (7) days after receipt by him of such notice; and such person shall so apply
18 within the stipulated time accordingly.

19 (b) The Executive Director shall cause a copy of the notice to be served on
20 the casino operator in question.

1 (c) Where the person required pursuant to subsection (a) of this section to
2 apply for a casino key employee license fails to do so within the time stipulated in
3 that subsection, the Executive Director shall cause a notification in writing of
4 such failure to be served on the casino operator in question, and the casino
5 operator shall on such notification being served on him terminate the association
6 or employment of that person with the casino notwithstanding the provisions of
7 any other act or law or of any industrial award or agreement.

8 (d) Where the Commission refuses to grant a casino key employees
9 license applied for under this section:

10 (1) the applicant shall on receipt of notification of such refusal
11 cease to be associated with or an employee of the casino in question; and

12 (2) the casino operator shall on receipt of notification of such
13 refusal terminate the association or employment of the applicant with the
14 casino.

15 (e) The casino operator shall not incur any liability whatsoever for in
16 connection with the termination by him, pursuant to this section, of the
17 association or employment of the applicant with the casino.

18 (f) The provisions of 10 CMC § 25146(d) shall be applicable to this
19 section.

20 **§ 2554. Consideration of application.**

1 (a) Upon receipt of an application and compliance by the applicant with
2 the provisions of the Part in relation thereto, the Executive Director shall:

3 (1) cause the photograph, fingerprints and palm prints of the
4 applicant to be taken;

5 (2) initiate and have followed through such investigatory
6 procedures as he considers necessary in relation to the applicant and his
7 application; and

8 (3) consider the application and materials and matters
9 accompanying it together with the results of investigations made in
10 connection therewith and make an assessment of:

11 (i) the integrity, responsibility, personal background and
12 financial stability of the applicant;

13 (ii) the general reputation of the applicant having regard to
14 character, honesty and integrity; and

15 (iii) the suitability of the applicant to perform the type of
16 work proposed to be performed by him as a licensee, after which
17 he shall make a recommendation to the Commission that the
18 application be granted or that it be refused, provided that the
19 Executive Director may require the applicant to submit to him such
20 additional information or material as he considers it is necessary
21 for him to have before making a recommendation or decision, as

1 the case may be; and such information or material, upon receipt,
2 shall be taken into consideration accordingly.

3 (b) In a case to which the proviso to 10 CMC § 2552(a)(9) is applicable,
4 the Executive Director shall await the receipt of the supporting certificate within
5 the required time before making a recommendation.

6 **§ 2555. Commission may grant or refuse to grant application.**

7 (a) The Commission, after giving consideration to the recommendation of
8 the Executive Director and to such other submitted and investigatory material as it
9 thinks fit including, as an applicable case, additional information or material
10 referred to in the proviso to 10 CMC § 2554(a), may in its absolute discretion
11 grant the application for a casino key employee license or a casino employee
12 license or refuse it.

13 (b) The applicant shall be notified in writing in the prescribed form by the
14 Executive Director of the decision of the Commission.

15 (c) The decision of the Commission is final and conclusive.

16 (d) The Commission may subject the grant of a license to such terms,
17 conditions and restrictions as are considered by it to be necessary in the public
18 interest, and may issue regulation concerning the conditions under which such a
19 license may be granted, revoked or suspended and what fees, if any, shall be paid
20 for such license.

1 (e) The provisions of 10 CMC § 25146(d) shall be applicable to this
2 Section.

3 **§ 2556. Issue of license.**

4 (a) Where the Commission grants an application for a casino key
5 employee license or a casino employee license, the Executive Director shall issue
6 the license under his hand.

7 (b) The license shall be in the prescribed form for the license in question
8 and shall specify:

9 (1) the name of the holder of the license (and show his photograph
10 thereon);

11 (2) the authority given to the holder of the license by the license,
12 including the type of work that may be performed by him; and

13 (3) any other prescribed particulars.

14 (c) The license shall be subject to any terms, conditions and restriction as
15 referred to in 10 CMC § 2555(d) and to all other terms, condition and restrictions
16 as may be prescribed to be implied in the type of license in question.

17 (d) In the event of any proposed change in the type of work that may be
18 performed by the holder of a casino key employee license or a casino employee
19 license under his license or in the event of any other change in any circumstance
20 or condition under or in respect of which a license has been issued, the
21 Commission, on the matter being referred to it, may approve such amendment of

1 the license as it thinks fit or the issue of a replacement license in lieu of the
2 existing one.

3 (e) The Executive Director, being satisfied in such manner as he thinks fit
4 that a casino key employee license or a casino employee license has been
5 destroyed, damaged or lost, may issue to the licensee on payment by him of the
6 prescribed fee a license in substitution for the one destroyed, damaged or lost.

7 **§ 2557. Notification of commencement of employment.**

8 A casino operator shall notify the Executive Director in the prescribed
9 form of the commencement of employment of a casino key employee or a casino
10 employee within 7 days of such commencement.

11 **§ 2558. Display of identification.**

12 (a) A casino key employee or casino employee shall at all times while on
13 duty in the casino wear a form of identification as prescribed on his person in
14 such a manner as to be visible to other persons in the casino.

15 (b) Subsection (a) of this section is not applicable in the case of a person
16 exempted by the Executive Director from the obligation to comply therewith.

17 (c) The Executive Director may so exempt a person or class of person
18 from such obligation.

19 **§ 2559. Submission of list of licensees.**

20 (a) A casino operator shall submit to the Executive Director once every six
21 (6) months a list of the licensees then employed in the casino.

1 (b) The list shall show in respect of each licensee:

2 (1) his name and current address;

3 (2) the type of license held by him;

4 (3) the number of the license; and

5 (4) any other information prescribed.

6 **§ 2560. Duration of license.**

7 (a) A casino key employee license or a casino employee license shall
8 remain in force until:

9 (1) the licensee dies;

10 (2) it is canceled by the Commission or surrendered by the
11 licensee;

12 (3) licensee ceases to be employed in a casino in Tinian; or

13 (4) the expiration of term of license as may be prescribed in 10
14 CMC § 2556.

15 **§ 2561. Cancellation or suspension of license.**

16 (a) The Commission may cancel or suspend a casino key employee license
17 or a casino employee license:

18 (1) if the holder is found in violation of this chapter;

19 (2) if the holder is convicted of a criminal offense, punishable in
20 the particular case by imprisonment for 12 months or more irrespective of

1 whether the offense is also punishable by a fine, in addition to as or as an
2 alternative to the punishment by imprisonment;

3 (3) if the holder fails to comply with any term, condition or
4 restriction subject to which the license is granted;

5 (4) if the license has been granted on false or erroneous
6 information;

7 (5) if at any time after the issue of the license the Commission
8 forms the opinion that the licensee is not a fit and proper person to
9 continue to hold the license.

10 (b) Suspension of license shall be for such period as the Commission
11 thinks fit and shall during such period have the same effect as cancellation of a
12 license without prejudice to any penal or other liability actually incurred by the
13 licensee or to the exercise of the powers of the Commission, the Executive
14 Director, the Enforcement Division or any inspector under this chapter.

15 (c) The Commission may at any time, after considering any
16 recommendation by the Executive Director in relation thereto, cancel the balance
17 of the period of a suspension of a license still to run or reduce the period of
18 suspension still to run by a period stipulated by them.

19 (d) A decision by the Commission to cancel or suspend a casino key
20 employee license or a casino employee license is final and conclusive.

1 (e) The provisions of 10 CMC § 25146(d) shall be applicable to this
2 section.

3 **§ 2562. Letter of censure.**

4 (a) The Commission, in lieu of canceling or suspending a license under 10
5 CMC § 2561, may, if it considers the circumstances are such as not to warrant
6 cancellation or suspension, direct to the casino key employee or casino employee
7 a letter of censure censuring him in respect of the matter in question.

8 (b) The Commission shall cause a copy of the letter of censure to be
9 forwarded to the casino operator.

10 (c) The letter of censure shall become a permanent part of the records of
11 the Commission in relation to the person censured.

12 **§ 2563. Surrender of casino key employee license or casino employee**
13 **license.**

14 The holder of a casino key employee license or a casino employee license
15 may, by notice in writing to the Commission, surrender his license.

16 **§ 2564. Termination of employment of employee and notification of**
17 **termination of employment.**

18 (a) A casino operator shall notify the Executive Director in the prescribed
19 form:

20 (1) that he has terminated the employment of a casino key
21 employee or a casino employee;

1 (2) that a casino key employee or a casino employee has
2 terminated his employment with him; or

3 (3) that a casino key employee or a casino employee has otherwise
4 ceased to be his employee within 7 days of such termination of
5 employment or ceases as employee, as the case may be.

6 (b) A casino operator shall terminate the employment of a casino key
7 employee or a casino employee within 24 hours after receiving written notice
8 from the Executive Director.

9 (c) The provisions of subsection (b) of this section are sufficient authority
10 for the casino operator to terminate the employment of the employee in question,
11 and he is so authorized to terminate such employment notwithstanding the
12 provisions of any other chapter or law or of any agreement and no liability at law
13 shall attach to him by reason of such termination.

14 (d) The provisions of 10 CMC § 25146(d) shall be applicable to this
15 Section.

16 **§ 2565. Provisional license.**

17 (a) Pending a decision by the Commission in respect of an application for
18 a casino key employee license or a casino employee license or a provisional
19 casino employee license if it considers that:

20 (1) a decision in relation to the license applied for may not be
21 made for some time;

1 (2) the operation of the casino where it proposed the applicant will
2 be employed will be seriously prejudiced or disadvantaged by delay in the
3 employment of the applicant; and

4 (3) the issue of the provisional license will not prejudice the
5 integrity of the operation of the casino.

6 (b) The Commission may subject the grant of a provisional license to such
7 terms, conditions and restrictions as are considered by it to be necessary in the
8 public interest.

9 (c) Where the Commission grants a provisional license, it shall be in the
10 prescribed form and issued by the Executive Director under his hand.

11 (d) A provisional license shall remain in force until:

12 (1) the casino key employee license or the casino employee
13 license, as the case may be, is issued or until the Commission decides to
14 refuse to grant the application for a casino key employee license or a
15 casino employee license;

16 (2) it is surrendered by the holder; or

17 (3) it is canceled by the Commission.

18 (e) The Commission in its absolute discretion may cancel a provisional
19 casino key employee license or a provisional casino employee license at any time,
20 and the holder of the license shall not have any right of action against the

1 Commission, the casino operator in question or any other person in respect of
2 such cancellation or termination of employment as a consequence thereof.

3 (f) During its currency and subject to the terms, conditions and restrictions
4 imposed by the Commission in respect of it, a provisional casino key employee
5 license or a provisional casino employee license shall operate and have the same
6 effect as if it were a casino key employee license or a casino employee license
7 issued under this article.

8 (g) The provisions of 10 CMC § 25146(d) shall be applicable to this
9 section.

10 **§ 2566. Reference to employment.**

11 In this Part, a reference to “employ” or “employment” includes a reference
12 to engage or engagement under a contract for services.

13 **Article 5. Licensing of Casino Service Industries**

14 **§ 2571. Licensing and registration of casino service industries.**

15 (a) (1) All casino service industries offering goods or services which
16 directly relate to casino or gaming activity, including gaming equipment
17 manufacturers, suppliers and repairers, schools teaching gaming and
18 either playing or dealing techniques, and casino security service, shall be
19 licensed in accordance with the provisions of this chapter prior to
20 conducting any business whatsoever with a casino applicant or licensee,
21 its employees or agents, and in the case of a school, prior to enrollment of

1 any students or offering of any courses to the public whether for
2 compensation or not; provided, however, that upon a showing of good
3 cause by a casino applicant or licensee for each business transaction, the
4 Commission may permit an applicant for a casino service industry license
5 to conduct business transactions with such casino applicant or licensee
6 prior to the licensure of that service industry applicant under this
7 subsection.

8 (2) In addition to the requirements of paragraph (a)(1) of this
9 subsection, any casino service industry intending to manufacture, sell,
10 distribute or repair slot machines within the Municipality of Tinian shall
11 be licensed in accordance with the provisions of this chapter prior to
12 engaging in any such activities; provided, however, that upon a showing
13 of good cause by a casino applicant or licensee for each business
14 transaction, the Commission may permit an applicant for a casino service
15 industry license to conduct business transactions with the casino applicant
16 or licensee prior to the licensure of that service industry applicant under
17 this subsection; and provided further, however, that upon a showing of
18 good cause by an applicant required to be licensed as a casino service
19 industry pursuant to this paragraph, the Commission may permit the
20 service industry applicant to initiate the manufacture of slot machines or
21 engage in the sale, distribution or repair of slot machines with any person

1 other than a casino applicant or licensee, its employees or agents, prior to
2 the licensure of that service industry applicant under this subsection.

3 (b) Each casino service industry in subsection (a)(1) of this section, as
4 well as its owners, management and supervisory personnel and other principal
5 employees must qualify under the standards, except residency, established for
6 qualification of a casino key employee under this chapter. In addition, if the
7 business or enterprise is a school teaching gaming or either playing or dealing
8 techniques, each resident director, instructor, principal employee, and sales
9 representative employed thereby shall be licensed under the standards established
10 for qualification of a casino employee under this chapter; provided, however, that
11 nothing in this subsection shall be deemed to require, in the case of a public
12 school district or a public institution of higher education, the licensure or
13 qualification of any individuals except those instructors and other principal
14 employees responsible for the teaching of playing or dealing techniques. The
15 Commission, in its discretion, may issue a temporary license to an applicant for
16 an instructor's license upon a finding that the applicant meets the educational and
17 experiential requirements for such license, that the issuance of a permanent
18 license will be restricted by necessary investigations, and that temporary licensing
19 is necessary for the operation of the gaming school. Unless otherwise terminated
20 pursuant to this chapter, a temporary license issued pursuant to this subsection

1 shall expire six months from the date of its issuance and be renewable, at the
2 discretion of the Commission, for one additional six-month period.

3 (c) All casino service industries not included in subsection (a)(1) of this
4 section shall be licensed in accordance with rules of the Commission prior to
5 commencement or continuation of any business with a casino applicant or
6 licensee or its employees or agents. Such casino service industries, whether or not
7 directly related to gaming operations, shall include suppliers of alcoholic
8 beverages, food and nonalcoholic beverages; garbage handlers; vending machine
9 providers; linen suppliers; maintenance companies; shopkeepers located within
10 the approved hotels; limousine services and construction companies contracting
11 with casino applicants or licensees or their employees or agents. The Commission
12 may exempt any person or field of commerce from the licensing requirements of
13 this subsection if the person or field of commerce demonstrates (1) that it is
14 regulated by a public agency or that it will provide goods or services in
15 insubstantial or insignificant amounts or quantities, and (2) that licensing is not
16 deemed necessary in order to protect the public interest or to accomplish the
17 policies established by this chapter. Upon granting an exemption or at any time
18 thereafter, the Commission may limit or place such restrictions thereupon as it
19 may deem necessary in the public interest, and shall require the exempted person
20 to cooperate with the Division and, upon request, to provide information in the
21 same manner as required of a casino service industry licensed pursuant to this

1 subsection; provided, however, that no exemption be granted unless the casino
2 service industry complies with the requirements of this chapter.

3 (d) The Commission shall not assess or attempt to assess penalties and
4 fines against any individual or entity which has not submitted an application for a
5 license to the Commission or received a license by the Commission.

6 **§ 2572. Approval and denial of registrations and licenses other than**
7 **casino licenses.**

8 (a) Upon the filing of an application for any license or registration
9 required by this chapter, other than a casino license, and after submission of such
10 supplemental information as the Commission may require, the Commission shall
11 request the division to conduct such investigation into the qualification of the
12 applicant, and the Commission shall conduct such hearings concerning the
13 qualification of the applicant, in accordance with its regulations, as may be
14 necessary to determine qualification for such license or registration.

15 (b) After such investigation, the Commission may either deny the
16 application or grant a license to or accept the registration of an applicant whom it
17 determines to be qualified to hold such license or registration.

18 (c) The Commission shall have the authority to deny any application
19 pursuant to the provisions of this chapter. When an application is denied, the
20 Commission shall prepare and file its order denying such application with the
21 general reasons therefor, and if requested by the applicant, shall further prepare

1 and file a statement of the reasons for the denial, including the specific findings of
2 fact.

3 (d) When the Commission grants an application, the commission may
4 limit or place such restrictions thereupon as it may deem necessary in the public
5 interest. Licenses shall be granted and registrations approved for a term of one
6 year; provided, however, that:

7 (1) gaming school resident director, instructor, principal employee
8 and sales representative licenses, casino service industry license issued
9 under this chapter, and junket representative and junket enterprise licenses
10 shall be granted for a term of three years;

11 (2) casino hotel employee registration shall remain in effect unless
12 revoked, suspended, limited, or otherwise restricted by the Commission in
13 accordance with the provisions of this chapter; and

14 (3) after the first two renewal periods succeeding the issuance of a
15 casino service industry license required, hereunder, the license term shall
16 be for two years, but the Commission shall reconsider the granting of such
17 a license at any time at the request of the Division of Enforcement.

18 (e) After an application is submitted to the Commission, final action of the
19 Commission shall be taken within 90 days after completion of all hearings and
20 investigations and the receipt of all information required by the Commission.

1 (f) The provisions of 10 CMC § 25146(d) shall be applicable to this
2 Section.

3 **§ 2573. Renewal of licenses and registrations.**

4 Subject to the power of the Commission to deny, revoke or suspend any
5 license or registration, any license other than a casino license or any registration
6 may be renewed upon proper application for renewal and the payment of fees in
7 accordance with the rules of the Commission, but in no event later than the date of
8 expiration of the current license or registration.

9 **Article 6. Fees and Taxes.**

10 **§ 2581. Casino license fees, casino key employee and casino employee**
11 **license fees, casino service industry license fee, investigative fees, fines and**
12 **casino taxes as local revenues.**

13 (a) Except for investigative fees, all license fees and gambling revenue
14 taxes generated by casinos in the Second Senatorial District (Tinian) shall be local
15 revenues and shall be available for appropriation by the Tinian Legislative
16 Delegation for local public purposes, as specified herein.

17 (1) An appropriation for local public purposes may include but is
18 not limited to assistance in education, programs for youth and elderly
19 development, scholarship, full time employees, medical referral,
20 agricultural and fisheries development, cultural programs, community and
21 recreational development, programs for special needs individuals, disabled

1 and disadvantaged individuals, medical and dental insurance assistance,
2 provided that such payment is limited to contributions made by the
3 Commission to secure appropriate insurance coverage for Tinian
4 Municipal government employees, and assistance to law enforcement.

5 (b) Investigative, Internet Gaming, Airport Gaming and Casino license
6 fee.

7 (1) An applicant for a casino license shall pay a non-refundable
8 application fee of not less than two hundred thousand dollars
9 (\$200,000.00) upon submission of the application to the Commission and
10 shall also initially deposit no less than one hundred thousand dollars
11 (\$100,000.00) for the purposes of investigating the suitability of the
12 applicant. The applicant must also maintain a revolving fund for
13 investigative purposes in the amount of fifty thousand dollars
14 (\$50,000.00).

15 (2) An annual conditional or plenary license fee of five hundred
16 thousand dollars (\$500,000.00) shall be paid to the Commission upon
17 approval of the conditional or plenary gaming application. In the case
18 where a prior conditional gaming license has been issued for gaming
19 purposes, the license fee shall be due and prorated on a quarterly basis
20 beginning the third quarter of fiscal year 2016. Thereafter, when a
21 conditional or plenary casino application is approved with less than the

1 period of 12 months of the financial year ending September 30, the fee
2 shall be calculated on a quarterly basis and paid on the period remaining.

3 (i) A casino licensee may opt to pay an annual conditional
4 or plenary license fee of Two Million Dollars (\$2,000,000.00) and
5 waive payment of casino revenue taxes at the stated tax rate.

6 (ii) A casino licensee that opts to engage in internet gaming
7 shall pay an additional annual fee of Three Hundred Thousand
8 Dollars (\$300,000.00) for the operation of internet gaming. The
9 annual internet license fee may be waived for a casino licensee
10 who opts to pay an annual plenary or conditional casino license fee
11 of Two Million Dollars (\$2,000,000.00) but may not waive
12 payment of internet gambling revenue tax.

13 (iii) A casino licensee that opts to engage in airport gaming
14 shall pay an additional annual fee of one hundred thousand dollars
15 (\$100,000.00) for the operation of airport gaming at the Tinian
16 International Airport.

17 (3) A casino licensee shall renew a conditional or plenary license
18 upon its expiration by the payment of the annual license fee. Failure to
19 renew a conditional or plenary license upon expiration shall be ground for
20 the revocation, suspension or termination of a casino license.

21 (c) Casino tax.

1 (1) A gambling revenue tax pursuant to 1 CMC § 1402(c)(4) equal
2 to five percent of the gross gaming revenue for the month from premium
3 players and from gambling amusement machines used exclusively by
4 premium players, payable on or before the seventh day of the month the
5 next following the month received.

6 (2) A gambling revenue tax pursuant to 1 CMC § 1402(c)(4) equal
7 to fifteen percent of the gross gaming revenue for the month from any
8 other (non-premium) player and from gambling amusement machines used
9 by other (non-premium) players, payable on or before the seventh day of
10 the month the next following the month received.

11 (3) An internet gambling revenue tax of five percent of gross
12 internet gambling revenue as provided by 1 CMC § 1402(c)(4) shall be
13 paid each month by the licensee granted an internet gaming operator
14 license.

15 (4) Casino license fees paid prior to the operation of a casino may
16 be credited as payments towards the casino license fee for the first three
17 (3) years of operation.

18 (d) There is hereby created the Office of the Tinian Municipal Treasurer
19 within the Office of the Mayor of Tinian and Aguiguan, whose duties shall be
20 established by regulations issued by the Mayor which shall include the duty to
21 collect and receive all monies due under this chapter.

1 **§ 2582. Adjustment of payment of gambling revenue tax in certain**
2 **circumstances.**

3 (a) If the total of all sums, including checks whether collected or not,
4 actually received in any month by a casino operator from the conduct of gaming
5 (hereinafter in this section referred to as “the total receipts”) is less than the total
6 of all sums paid out as winnings during that month in respect of gaming
7 (hereinafter in this section referred to as “the total payments”), the amount of the
8 difference between the total payments and the total receipts shall for the purpose
9 of assessment of the gambling revenue tax and casino community benefit levy
10 payable in respect of the next succeeding month be first deducted, to the extent it
11 may be, from the casino gross revenue for that month.

12 (b) Where there is no casino gross revenue for that month or where the
13 casino gross revenue for that month is less than the amount of the difference as
14 aforesaid, the amount of the difference or that part thereof that is in excess of the
15 casino gross revenue for that month, as the case may be, shall for the purpose of
16 the assessment of gambling revenue tax and casino community benefit levy
17 payable in respect of the next month thereafter be first deducted, to the extent it
18 may be, from the casino gross revenue for such next month.

19 (c) The operation of this section shall extend, in respect of the amount of
20 the difference between the total payments and the total receipts as aforesaid in any
21 month, only to the two months next succeeding that month.

1 **§ 2583. Disposition of casino license fees, etc.**

2 Casino license fees, gambling revenue taxes, application fees in respect of
3 casino key employee licenses and casino employee licenses, casino service
4 industry license fees and fines collected, shall on their receipt be paid to the
5 Tinian Municipal Treasurer.

6 **§ 2584. Penalty for late payment.**

7 (a) Penalty at the rate of two percent shall be charged and become due and
8 payable forthwith on the amount of any casino license fee or gambling revenue
9 tax remaining unpaid after the date on which it becomes due and payable.

10 (b) Additional penalty at the rate of two percent shall be charged and
11 become due and payable on any part of any amount specified in subsection (a) of
12 this section (including penalty) that remains unpaid:

13 (1) upon the expiration of one month commencing on the date
14 when the amount first became due and payable; and

15 (2) upon the expiration of each month commencing on the like date
16 thereafter.

17 (c) Failure to pay the fees and taxes required above, shall cause the casino
18 license to be automatically suspended on the 91st day past due.

19 (d) The Commission may defer payment of existing and future penalties
20 only if such waiver or deferment is necessary due to the presence of significant
21 and substantial economic hardship condition affecting the industry or the licensee,

1 or if such waiver or deferment will enable the licensee to contribute to the Tinian
2 economy in a significant and substantial manner.

3 (d) The provisions of 10 CMC § 25146(d) shall be applicable to this
4 section.

5 **§ 2585. Recovery of fees and taxes.**

6 All fees and taxes due and payable in accordance with this chapter and
7 remaining unpaid are debts due to the Municipality of Tinian and may be
8 recovered by action as for a debt in any court of competent jurisdiction.

9 **§ 2586. Liability for fees and taxes.**

10 (a) The casino licensee is liable for all fees and taxes due and payable in
11 accordance with this chapter.

12 (b) Where the casino operator is a lessee under a casino lease, he and the
13 casino licensee are jointly and severally liable for all fees and taxes due and
14 payable in accordance with this chapter.

15 (c) Where the casino operator is party to a casino management agreement
16 with the casino licensee or lessee under a casino lease, he and the casino licensee
17 or he and the casino licensee and the lessee, as the case may be, are jointly and
18 severally liable for all fees and taxes due and payable in accordance with this
19 chapter.

20 **Article 7. Casino Operation**

21 **§ 2591. Maintenance of facilities, etc.** A casino operator shall:

1 (a) maintain all facilities and amenities of a casino in such a condition as
2 will ensure at all times the maximum comfort for patrons;

3 (b) ensure that the operation of the casino is conducted at all times in a
4 proper and competent manner; and

5 (c) ensure that all casino installations, equipment and procedures for
6 security and safety purposes are used, operated and applied at all relevant times
7 for the preservation and maintenance of those purposes.

8 **§ 2592. Casino layout.**

9 (a) A casino operator shall:

10 (1) ensure that visibility throughout any gaming area of the casino
11 wherein games are being played is clear and unobstructed;

12 (2) submit for the approval of the Commission a floor plan in
13 connection with the casino drawn to a scale satisfactory to the
14 Commission indicating in detail the placement of gaming tables, count
15 rooms, cages and all other associated facilities;

16 (3) submit a diagram of the closed circuit television system
17 indicating camera positions as they relate to the floor plan and full
18 information indicating heights of cameras from gaming tables and their
19 scope of coverage; and

20 (4) submit a plan of the catwalk surveillance system indicating the
21 positions of communication facilities.

1 (b) A casino operator shall not operate a casino having the placement of
2 gaming tables, count rooms, cages and other associated facilities other than in
3 accordance with a floor plan approved by the Commission.

4 **§ 2593. Variation of casino layout.**

5 (a) If a casino operator proposes to vary the placement of gaming tables,
6 count rooms, cages or any other associated facilities or the closed circuit
7 television system or catwalk surveillance system, he shall, at least three days prior
8 to the date proposed for giving effect to the variation, submit to the Commission
9 for their approval details of the proposed variations accompanied by plans and
10 diagrams illustrating the proposals.

11 (b) A casino operator shall not effect any variation as aforesaid without the
12 approval of the Commission first had and obtained.

13 **§ 2594. Casino operating days and hours.**

14 (a) A casino operator shall operate a casino on the days and during the
15 hours on days as approved by the Commission.

16 (b) He shall not operate a casino on any other day or at any other time.

17 (c) A casino operator shall submit for approval of the Commission a
18 schedule of operating times indicating the days and hours on and during which, it
19 is proposed, the casino shall operate.

20 (d) The Commission may approve the schedule of operating times as
21 submitted or with such variations as they think fit.

1 (e) If the casino operator proposes to vary the schedule of operating times
2 he shall submit to the Commission for its approval details of the proposal showing
3 the revised schedule of operating times.

4 (f) A casino operator shall not effect any variation referred to in subsection
5 (5) without the approval of the Commission first had and obtained.

6 (g) (1) The Commission, for any reason considered by it to be
7 sufficient in the circumstances, may by notice in writing require a casino
8 operator to vary the schedule of operating hours in respect of a casino on
9 or from a date specified in the notice.

10 (2) The notice shall be accompanied by or contain therein the
11 revised schedule of operating hours to operate on and from the date
12 specified.

13 (3) On and from the date so specified, the revised schedule shall be
14 the schedule of operating hours in respect of the casino in question.

15 (h) A casino shall not be operated on any days and times as specified by
16 the Commission.

17 **§ 2595. Gaming equipment and chips.**

18 (a) A casino operator shall ensure that all gaming equipment in a casino is
19 of a high standard of manufacture and is maintained in good order and condition.

20 (b) A person shall not possess, maintain or exhibit any gaming equipment
21 on the premises of a hotel-casino complex except in the casino.

1 (c) A person shall not possess, maintain or exhibit any gaming equipment
2 in a casino or bring into or remove from a casino any gaming equipment unless
3 such equipment:

4 (1) has been approved by the Commission;

5 (2) is necessary for the conduct of gaming;

6 (3) has permanently affixed thereto or permanently imprinted,
7 impressed or engraved thereon an identification number or symbol
8 authorized by the Commission.

9 (4) is under the exclusive control of a casino operator or his agents
10 or employees; and

11 (5) is brought into or removed from the casino at times authorized
12 for that purpose by the Commission or at other times when prior notice
13 has been given to and written approval granted by an inspector.

14 In this subsection the term "casino" means that area of the casino used for
15 the conduct and playing of games.

16 (d) (1) All drop boxes and other receptacles for the depositing therein
17 of moneys (being either notes or coins, tokens, vouchers, slips or other
18 papers, whether actually deposited therein or not), shall be equipped with
19 two locks.

1 (2) A gaming table to which a drop box referred to in paragraph (1)
2 of this subsection is affixed or attached shall be equipped with two locks
3 securing the affixing or attaching of the drop box.

4 (3) All count rooms and storage areas wherein there are drop boxes
5 and other receptacles referred to in paragraph (1) of this subsection that
6 are in use in connection with the operation of the casino shall be equipped
7 with two locks.

8 (4) The key or keys of one of the locks shall be under the exclusive
9 control of the officers of the Commission and the key or keys of the other
10 lock shall be under the exclusive control of the casino operator.

11 (5) Each of the locks shall be such that it cannot be unlocked by
12 the key or any key of the other lock.

13 (6) A drop box or other receptacle referred to in paragraph (1) of
14 this subsection shall not be:

15 (i) brought into or removed from the area of the casino used
16 for the conduct and playing of games; or

17 (ii) locked or unlocked save at such times and according
18 to such procedures and, in the case of locking or unlocking, in such
19 places as are approved by the Commission.

20 (e) Chips used or for use in a casino shall have clearly and permanently
21 impressed, engraved or imprinted thereon:

1 (1) the name of the casino or a symbol identifying the casino; and

2 (2) any other matters prescribed so that such matters may relate to
3 all chips or different matters may relate to different chips.

4 (f) A casino operator shall submit to the Commission for approval an order
5 for the purchase of chips before such order is placed with the chips manufacturer
6 and shall not purchase chips from a chips manufacturer other than one approved
7 by the Commission.

8 (g) A casino operator shall ensure:

9 (1) that chips used in a casino for gaming are of such physical
10 characteristics as are approved by the Commission; and

11 (2) that chips used in a casino for gaming are in good condition.

12 (h) A casino operator shall keep and at all times accurately maintain a
13 written inventory of gaming equipment and chips used or for use in the casino.

14 (i) A casino operator shall not destroy any gaming equipment or chips
15 save under the supervision of an inspector.

16 (j) A casino operator shall not cause or permit any person to repair or
17 maintain any gaming equipment unless such person is a person approved by the
18 Executive Director for the purpose.

19 **§ 2596. Casino games.**

1 (a) The Commission may, by notification in a publication, notify any
2 game as a game that may be conducted or played in a casino pursuant to a casino
3 license.

4 (b) The notification in respect of a game shall include an account of the
5 rules for the playing of the game.

6 (c) Rules for the playing of a game may be altered by subsequent
7 notification.

8 (d) A casino operator shall submit to the Commission for approval a
9 statement of the maximum number of each of the games proposed to be played in
10 the casino.

11 (e) The Commission may approve the maximum number of each of the
12 games as submitted or determining and approve in any particular case a different
13 maximum number.

14 (f) The maximum number of each of the games to be played in the casino
15 shall be the number in each case approved by the Commission.

16 (g) The casino operator at any time, having regard to the apparent gaming
17 requirements of casino patrons, may conduct a number of games in any particular
18 case less than the maximum number approved in respect thereof; provided that the
19 Commission may direct that a minimum number of any particular type of game
20 shall be played at any time, and where he does so, the casino operator shall
21 comply with the direction.

1 (h) A casino operator shall ensure that each game conducted in a casino is
2 conducted according to the rules in force for the time being in relation thereto.

3 **§ 2597. Assistance to Patrons in relation to rules of games.**

4 (a) A casino operator shall:

5 (1) at the request of any casino patron, make available for his
6 examination a copy of the rules of gaming in respect of any particular
7 game as notified for the time being in a publication;

8 (2) display prominently within the casino such advice or
9 information concerning gaming rules, mode of payment of winning
10 wagers, the odds of winning for each wager and such other advice or
11 information to the player as may be directed by the Commission;

12 (3) provide for casino patrons brochures summarizing the rules of
13 gaming in accordance with texts approved by the Commission;

14 (4) display at each gaming table or location related to the playing
15 of a game a sign indicating the permissible minimum and maximum
16 wagers pertaining to the game played at such table or location.

17 (b) A casino operator shall ensure that a minimum wager indicated in
18 respect of a game at a table or location shall not be changed to a higher minimum
19 unless a sign indicating the new minimum and the proposed time of change is
20 displayed to the table or location at least 20 minutes prior to the time of the
21 proposed change.

1 **§ 2598. Obligation of casino operator in relation to conduct of games.**

2 (a) A casino operator shall ensure that in any game in which playing cards
3 are used such cards are at all times dealt from an item of gaming equipment
4 specifically designated for that purpose and known as a “card shoe”.

5 (b) A casino operator shall not issue or cause, permit or suffer to be issued
6 any chips for gaming unless the chips are paid for:

7 (1) in cash to their value; or

8 (2) by chip purchase voucher issued by the casino on payment of
9 the amount shown on the voucher.

10 (c) A casino operator shall ensure that all gaming wagers are placed by the
11 use of chips unless the rules of a game specifically permit the use of cash.

12 (d) A casino operator shall ensure that all winning wagers are paid in full
13 without any commission or levy other than a commission or levy provided for in
14 the rules of a game.

15 (e) A casino operator shall ensure that all winning wagers are paid in chips
16 unless the rules of a game specifically permit payment by cash or check.

17 (f) A casino operator shall during the hours of operation of a casino, at the
18 request of a casino patron:

19 (1) exchange chip purchase vouchers or chips issued by the casino
20 for chips or other chips, as the case may be, as requested of an equivalent
21 total value;

1 (2) redeem chips or chip purchase vouchers issued by the casino
2 for cash or an amount equivalent to the value of the chips or chip purchase
3 vouchers; provided that the casino operator, if requested by the patron,
4 may at his discretion issue for the whole or any part of the amount to be
5 paid in cash, in lieu of cash, a check made payable to the patron and drawn
6 on a bank account approved by the Commission for the purpose.

7 (g) A casino operator shall not employ, engage or use or cause, permit or
8 suffer any of his agents or employees or any other person to employ, engage or
9 use any barker or shill to induce any person to enter a casino or play any game
10 therein.

11 (h) (1) A deposit, charge or levy, not being a commission or levy
12 provided for in the rules of a game, shall not be charged, taken or made,
13 directly or indirectly, by a casino operator, on, from, to or in respect of any
14 person for the right to enter a casino or play any game therein.

15 (2) It is immaterial that any such deposit, charge or levy is or is
16 claimed to be refundable.

17 (i) A casino key employee or a casino employee shall not in a casino in
18 which he is employed or with which he is associated:

19 (1) wager at any game; or

20 (2) solicit or accept any tip, gratuity, consideration or other benefit
21 from any player or patron at that casino.

1 **§ 2599. Casino operator may accept credit wagers, etc.**

2 (a) A casino operator or an authorized employee of a casino operator may,
3 in connection with any gaming:

4 (1) accept a credit wager from any person;

5 (2) provide cash or chips to any person in respect of a credit card
6 transaction;

7 (b) Credit in any form shall be considered the same as money and any sum
8 received in payment for credit extended by a licensee to a patron for purposes of
9 gaming or for the issuance of a chip for gaming is a sum received from the
10 conduct of gaming as that term used in 10 CMC § 2513, defining “casino gross
11 revenue.”

12 (c) A casino operator shall not in connection with any gaming, release or
13 discharge, in whole or in part a debt owing by any person without first submitting
14 the prescribed information and material to the Commission.

15 (d) Nothing contained in subsection (a) of this section limits the operation
16 of the provisions of 10 CMC § 25102.

17 **§ 25100. Deposit advance accounts.**

18 (a) A casino operator may establish for a person a deposit advance account
19 into which moneys may be deposited by that person in advance of any gaming by
20 him.

1 (b) A casino operator shall not accept for deposit to the account a check,
2 unless it is:

3 (1) drawn on a bank and payable on demand;

4 (2) drawn for a specific amount;

5 (3) made payable to the casino operator; and

6 (4) dated but not postdated.

7 (c) A casino operator may issue to the person for whom the deposit
8 advance account is established a chip purchase voucher or chip purchase vouchers
9 of a value up to the amount for the time being standing to his credit in the account
10 or may pay to him cash up to the amount for the time being so standing to his
11 credit.

12 **§ 25101. Exchange by casino operator of chip purchase voucher for**
13 **check.**

14 (a) Subject to subsection (b) if this section, a casino operator may issue to
15 a person for the purpose of gaming by him and in exchange for a check from him
16 a chip purchase voucher or chip purchase vouchers of a value equal to the amount
17 of the check.

18 (b) A casino operator shall not accept for the purposes of subsection (a) of
19 this section a check, unless it satisfies the requirements specified in 10 CMC §
20 25100(b) in relation to that section.

21 **§ 25102. Redemption of checks.**

1 Subject to 10 CMC § 25103, a person who has deposited or lodged with a
2 casino operator under 10 CMC § 25100 or § 25101 a check that complies with the
3 requirements referred to in 10 CMC § 25100(b) in relation to that section may,
4 with the agreement of the casino operator, redeem the check by presenting to the
5 casino operator in exchange therefore:

6 (a) cash;

7 (b) a check or checks complying with requirements as aforesaid;

8 (c) a chip purchase voucher or chip purchase vouchers;

9 (d) chips; or

10 (e) any two or more of the foregoing in combination to an amount or a
11 value equivalent to the amount of the check so deposited or lodge as aforesaid.

12 **§ 25103. Depositing of checks.**

13 Any check held by a casino operator and not redeemed or cashed for more
14 than seven days shall be considered to be credit and shall be treated pursuant to
15 the provisions of 10 CMC § 2599.

16 **§ 25104. No redemption to delay payment.**

17 Where a person has deposited or lodged a check with a casino operator
18 under 10 CMC § 25100 or § 25101, the casino operator shall not agree to the
19 redemption by that person of the check pursuant to 10 CMC § 25102 for the
20 purpose of avoiding or delaying beyond the prescribed time as referred to in 10

1 CMC § 25103 the banking of the check to the appropriate account of the casino
2 operator.

3 **§ 25105. Training courses for employees.**

4 (a) A casino operator shall provide, for person employed or to be
5 employed by him in a casino as casino key employees or casino employees,
6 training courses relating to the playing of games, the conduct of games and
7 associated activities in connection with casino operations.

8 (b) All training courses to be provided pursuant to subsection (a) of this
9 section shall be:

10 (1) conducted by the casino operator or, with the approval of the
11 Commission, by the nominee of the casino operator; and

12 (2) of such content, format and duration as is approved by the
13 Commission.

14 (c) The successful completion of an approved training course is a
15 prerequisite for:

16 (1) the issue of a casino key employee license or a casino
17 employee license; or

18 (2) the approval of the Commission to making of an amendment
19 (and such amendment being made) in a license in respect of the type of
20 work performed or to be performed by the licensee and for the
21 employment of the licensee in the type of work specified in the license,

1 either in the first instance or pursuant to amendment, unless the licensee is
2 qualified by experience, satisfactory to the Commission, appropriate to the
3 type of work to be performed by him as a licensee.

4 (d) A casino operator may conduct gaming on a simulated basis for the
5 purpose of training employees, testing gaming equipment and gaming procedures
6 and demonstrating the conduct and playing of games provided:

7 (1) he has obtained the prior approval of the Commission; and

8 (2) no cash is used and no chips are used.

9 **Article 8. Internal Controls, Administrative and Accounting**
10 **Procedures and Audit Requirements.**

11 **§ 25111. System of controls and Procedures.**

12 (a) A casino operator shall submit to the Executive Director for the
13 approval of the Commission:

14 (1) a description of the system of internal controls and
15 administrative and accounting procedures proposed by him in connection
16 with the operation of the casino; and

17 (2) details of changes proposed to any such controls and
18 procedures previously approved by the Commission.

19 (b) The submission shall be made not later than 90 days prior to the date
20 for commencement of the operation of the casino or the implementation of the
21 proposed changes, provided that the Commission may for sufficient cause direct

1 that a particular submission may be made not later than a date determined by it
2 that is closer to the date for the commencement or implementation as aforesaid, as
3 the case may be.

4 **§ 25112. Content of submission.**

5 A submission of the description of the system of internal controls and
6 administrative and accounting procedures referred to in 10 CMC § 25111(a)(1)
7 shall contain both narrative and diagrammatic representation of the system to be
8 utilized by the casino operator, including, but not limited to:

9 (a) accounting procedures, including the standardization of forms and
10 definition of terms, not inconsistent with this chapter, to be utilized in the gaming
11 operations.

12 (b) procedures, forms and, where appropriate, formula for or with respect
13 to:

14 (1) hold percentages and calculations thereof;

15 (2) revenue drop;

16 (3) expense and overhead schedules;

17 (4) complementary services;

18 (5) salary arrangements; and

19 (6) personnel practices.

20 (c) job descriptions and the system of organizing personnel and chain of
21 command authority such as to establish diversity of responsibility among

1 employees engaged in casino operations and identification of primary and
2 secondary supervisory positions for areas of responsibility, which areas shall not
3 be so extensive as to be impractical for an individual to supervise effectively.

4 (d) procedures for the conduct and playing of games.

5 (e) procedures within a cashier's cage for the receipt, storage and disbursal
6 of chips and cash, the cashing of checks, the redemption of chips and the
7 recording of all transactions pertaining to gaming operations.

8 (f) procedures for the collection and security of moneys at the gaming
9 tables and other places in the casino where games are conducted.

10 (g) procedures and forms for the transfer of chips to and from the gaming
11 tables and other places in the casino where games are conducted from and to a
12 cashier's cage.

13 (h) procedures for the transfer of moneys from the gaming tables and other
14 places in the casino where games are conducted to other areas of the casino for
15 counting.

16 (i) procedures and forms for the transfer of moneys or chips from and to
17 any gaming area.

18 (j) procedures and security for the counting and recording of revenue.

19 (k) procedures and security for the transfer of moneys to and from a bank
20 from and to the casino.

1 (l) procedures for the security, storage and recording of chips utilized in
2 the gaming operations.

3 (m) procedures and standards for the maintenance, security and storage of
4 any gaming equipment.

5 (n) procedures for the payment and recording of winnings associated with
6 any games where such winnings are paid by cash or check.

7 (o) procedures for the issue of chip purchase vouchers and the recording of
8 transactions in connection therewith.

9 (p) procedures for the cashing and recording of check transactions.

10 (q) procedures for the establishment and use of deposit advance accounts.

11 (r) procedures for the use and maintenance of security and surveillance
12 facilities, including catwalk systems and closed circuit television systems.

13 (s) procedures governing the utilization of security personnel within the
14 casino.

15 (t) procedures for the control of keys used or for use in casino operations.

16 **§ 25113. Commission's approval.**

17 (a) The Executive Director shall review each submission received by him
18 pursuant to 10 CMC § 25111 and, subject to subsection (b) of this section, advise
19 the Commission:

20 (1) whether it is in conformity with the requirements of this
21 chapter; and

1 (2) in a case referred to in 10 CMC § 25111(a)(2), whether the
2 system of controls and procedures provides satisfactory and effective
3 control over the operations of the casino; or

4 (3) in a case referred to in 10 CMC § 25111(a)(2), whether the
5 system of controls and procedures as previously approved as altered in
6 accordance with the changes proposed provides satisfactory and effective
7 control over the operations of the casino.

8 (b) if the Executive Director considers that:

9 (1) the submission is not in conformity with the requirements of
10 this chapter; or

11 (2) the system of controls and procedures does not provide
12 satisfactory and effective control over the operations of the casino, either
13 as a system in the first instance or as a system as changed in accordance
14 with the proposed alterations, he shall, before advising the Commission,
15 inform the casino accordingly and specify the steps to be taken for the
16 submission to be in conformity with the requirements of this chapter or
17 for the system (in the first instance or as changed) to provide satisfactory
18 and effective control over the operations of the casino.

19 (c) The casino operator, in order for his submission to proceed, shall take
20 the steps to be taken as specified by the Executive Director.

1 (d) Where the Executive Director advises the Commission that the
2 submission is in conformity with the requirements of this chapter and that the
3 system of controls and procedures provides satisfactory and effective control over
4 the operations of the casino, either in the first instance or as changed in
5 accordance with proposed alteration, the Commission shall approve the system or
6 proposed changes, as the case may be, accordingly.

7 (e) (1) The Commission may by notice in writing require a casino
8 operator to alter any part of the system of controls and procedures on and
9 from a date specified in the notice.

10 (2) The notice shall stipulate the alteration to be made.

11 (3) On and from the date so specified, the system as required to be
12 altered shall be the system of controls and procedures in connection with
13 the operation of the casino.

14 (f) A casino operator shall not:

15 (1) conduct gaming in a casino unless the system of controls and
16 procedures as aforesaid has been:

17 (i) approved by the Commission; and

18 (ii) implemented by the casino operator;

19 (2) change the system approved by the Commission unless any
20 changes proposed by him are first approved by the Commission.

1 (g) The provisions of 10 CMC § 25146(d) shall be applicable to this
2 Section.

3 **§ 25114. Books, etc., to be kept on premises.**

4 (a) All books, records and documents relating to the operation of the hotel-
5 casino complex or the casino, as the case may be, shall be kept by the casino
6 operator on the hotel-casino complex premises.

7 (b) The Commission may by notice in writing:

8 (1) exempt the casino operator from compliance with subsection

9 (a) either in respect of all books, records and documents or some of them
10 as specified by it for reasons considered by it to be sufficient;

11 (2) approve generally or in particular cases that books, records and
12 documents otherwise kept on the premises as aforesaid may be removed
13 temporarily to another place or other places.

14 (c) Subject to any other act or law relating to the retention or destruction
15 of books, records and documents, all books, records and documents as referred to
16 in subsection (a) of this section shall be retained by the casino operator for a
17 period of 7 years after the completion of the transactions to which they relate,
18 provided that the Executive Director may, on the application of the casino
19 operator, approve:

20 (1) the retention of books, records or documents in an alternative
21 form or manner;

1 (2) the destruction of any of the books, records or documents not
2 considered to be essential at a time prior to the expiration of the period as
3 aforesaid.

4 **§ 25115. Keeping of bank accounts.**

5 A casino operator shall keep and maintain separate bank accounts as
6 approved by the Commission in a bank in the Commonwealth of the Northern
7 Mariana Islands for use for all banking transactions relating to the operations of
8 the hotel-casino complex or the casino, as the case may be. Upon execution of an
9 appropriate waiver, consistent with "The Right to Financial Privacy Act," 12
10 U.S.C. § 3401 et seq. and 4 CMC § 6454, an applicant or licensee shall be
11 deemed to have given to the Commission an unconditional and irrevocable grant
12 of authority to inspect, on demand, and without notice to such applicant or
13 licensee, the applicant's or licensee's bank accounts and bank records wherever
14 said bank is located as well as a grant by the licensee to its bank of
15 indemnification for the release of any such otherwise confidential information.

16 **§ 25116. Accounts to be kept.** A casino operator shall:

17 (a) keep such accounting records as correctly record and explain the
18 transactions and financial position of the operation of the hotel-casino complex or
19 the casino, as the case may be.

20 (b) keep his accounting records in such a manner as will enable:

1 (1) true and fair financial statements and accounts to be prepared
2 from time to time;

3 (2) his financial statements and accounts to be conveniently and
4 properly audited.

5 **§ 25117. Financial statements and accounts.**

6 A casino operator shall prepare financial statements and accounts giving a
7 true and fair view of his financial operations in respect of the hotel-casino
8 complex or the casino, as the case may be, which statements and accounts shall
9 include:

10 (a) trading accounts, where applicable, for the financial year;

11 (b) profit and loss accounts for the financial year; and

12 (c) balance sheet as at the end of the financial year.

13 **§ 25118. Commission may determine financial year period.**

14 It is competent for the Commission in a particular case on application
15 made to it to approve a date other than 30 September as the terminating date of a
16 financial year.

17 **§ 25119. Submission of reports.**

18 (a) A casino operator shall submit to the Executive Director, at such times
19 as are prescribed, reports relating to the operations of the hotel-casino complex or
20 the casino, as the case may be, containing such information as is prescribed.

1 (b) Where in the opinion of the Executive Director any such report is
2 deficient in information required to be provided, he may instruct the casino
3 operator to submit to him information to supply the deficiency within a time
4 nominated by him; and the casino operator shall supply the additional information
5 within the nominated time accordingly.

6 **§ 25120. Audit provisions.**

7 (a) A casino operator shall at his own expense cause his books, accounts
8 and financial statements relating to the operations of the hotel-casino complex or
9 the casino, as the case may be, to be audited by a person who:

10 (1) is a certified public accountant; and

11 (2) is approved by the Commission.

12 (b) The auditor shall complete the audit within 4 months of the close of the
13 financial year and immediately upon completion thereof submit a report thereon
14 to each of them the casino operator and the Commission.

15 **§ 25121. Wider application of certain provision of this Part.**

16 (a) In this section, reference to “person other than the actual operator” is a
17 reference to a casino licensee or a lessee under a casino lease or to each of them a
18 casino licensee and a lessee under a casino lease, as the case requires, where there
19 is a casino lease or a casino management agreement or both a casino lease and a
20 casino management agreement.

1 (b) The provisions of 10 CMC § 25114 to § 25120 apply to and impose
2 obligations and liabilities on a person other than the actual operator in respect of
3 all matters relating to the operations of the hotel-casino complex or the casino, as
4 the case may be, according to his interest therein or association therewith to the
5 same extent in all respects as they do in the case of the casino operator under a
6 casino management agreement.

7 **Article 9. Agreements and Other Documents in Connection with**
8 **Casino Operation.**

9 **§ 25131. Restriction on certain agreements, etc.**

10 (a) Casino leases referred to in 10 CMC § 2537 and casino management
11 agreements referred to in 10 CMC § 2538 are not subject to the provisions of this
12 section.

13 (b) None of them:

14 (1) a casino licensee;

15 (2) a casino operator under a casino management agreement shall,
16 unless the approval in writing of the Commission is first had and obtained,
17 enter into or be a party to any lease, contract, agreement or arrangements,
18 written or unwritten, with any other person for such person to lease, let,
19 lend or otherwise provide any thing or to furnish any service in return for:

20 (i) any direct or indirect interest in or percentage or share of
21 moneys gambled at the casino; or

1 (ii) any director or indirect interest in or percentage or share
2 of the revenues, profits or earnings from or of the casino.

3 (c) If the Commission considers that it is desirable or appropriate to do so
4 in any particular case, the Commission may, upon application made to it in that
5 behalf, approve in writing a lease, contract, agreement or arrangement referred to
6 in subsection (b) of this section.

7 **§ 25132. Review of agreements, etc.**

8 (a) Casino leases referred to in 10 CMC § 2537 and casino management
9 agreements referred to in 10 CMC § 2538 are not subject to the provisions of this
10 section.

11 (b) Any of them:

12 (1) a casino licensee;

13 (2) a lessee under a casino lease; and

14 (3) a casino operator under a casino management agreement shall,
15 if directed by the Commission to do so, furnish to the Commission within
16 the time stipulated by it such information as it thinks fit with respect to
17 any lease, contract, agreement or arrangement (hereinafter in this section
18 referred to as "the agreement") written or unwritten, with any other person
19 relating to the hotel-casino complex or the casino.

1 (c) Without limiting the generality of subsection (b) of this section,
2 matters concerning which the Commission may direct the furnishing to it of
3 information include:

4 (1) names of persons entering into the agreements;

5 (2) description of any property, goods or other things or any
6 services provided or to be provided;

7 (3) value, type or nature of consideration; and

8 (4) operative period of the agreement.

9 (d) Any of them a licensee, lessee or operator as referred to in subsection
10 (b) of this section shall, if directed by the Commission to do so, furnish to the
11 Commission within the time stipulated by it a copy of the agreement if it is in
12 writing.

13 (e) If the Commission, upon a review of any information or documents
14 furnished to it under this section, is of the opinion that the continuance of the
15 agreement is not in the public interest or jeopardizes the integrity of gaming
16 having regard to its terms and such other factors as to the Commission appear
17 relevant, it may issue to the licensee, lessee or operator as referred to in
18 subsection (b) of this section who is the party to the agreement a notice in writing
19 requiring him to show cause why the agreement should not be terminated.

1 (f) The notice shall set out the grounds giving rise to its issue and shall
2 stipulate a date, being not earlier than 21 days after such issue, on or before which
3 cause is required to be shown.

4 (g) Where the Commission issues a notice, it shall issue a copy thereof to
5 the other party to the agreement.

6 (h) The licensee, lessee or operator to whom the notice is issued may give
7 answer thereto in writing to the Commission to show cause at any time not later
8 than the date stipulated in the notice in that respect.

9 (i) The other party may make such submissions to the Commission as he
10 thinks fit at any time not later than that stipulated date.

11 (j) The Commission shall consider any answers given in reply to the notice
12 to show cause and any submissions made by the other party and:

13 (1) if in its opinion satisfactory answers are given or submissions
14 made in reply to or in respect of the notice, it shall take no further action
15 in relation thereto;

16 (2) if in its opinion answers given or submissions made in reply to
17 or in respect of the notice are not satisfactory or if no answers are given
18 and no submissions made, it may direct the termination of the contract.

19 (k) The Commission's direction referred to in subsection (j)(2) of this
20 section shall be given in writing to the parties to the agreement and shall specify a

1 date on which the agreement is terminated under this chapter if not sooner
2 terminated.

3 (l) The agreement in question, if not sooner terminated by the parties to
4 the agreement, is terminated by force of this chapter on the date specified in the
5 direction in that behalf.

6 (m) The termination of the agreement by force of this chapter does not
7 affect the rights and obligations of the parties thereto up to the time of such
8 termination.

9 (n) No liability for breach of the agreement attaches to any party thereto
10 by reason only of its termination by force of this chapter.

11 (o) The provisions of 10 CMC § 25146(d) shall be applicable to this
12 section.

13 **Article 10. Directions, Powers, Etc. with Respect to Casinos.**

14 **§ 25141. Directions as to operation of casino.**

15 (a) The Commission may, by notice in writing, give directions to a casino
16 licensee, a lessee under a casino lease or a casino operator under a casino
17 management agreement in relation to the management, supervision or control of
18 any aspect of the operation of a casino.

19 (b) Each casino licensee, lessee or casino operator as aforesaid shall
20 comply in all respects with a direction so given by the Commission.

1 (c) If a person, convicted of an offense for failure to comply with a
2 direction under subsection (b) of this section, persists in the failure to comply that
3 constitutes the offense, he shall be taken to commit a separate offense on each day
4 on which the failure continues.

5 (d) The provisions of 10 CMC § 25146(d) shall be applicable to this
6 section.

7 **§ 25142. Inspectors may be and remain on casino premises.**

8 Inspectors may at any time enter, be and remain on the premises of a
9 casino for the purpose of:

10 (a) viewing the operations of gaming;

11 (b) observing other activities associated with the operation of the casino;

12 (c) ascertaining whether the operation of the casino is being properly
13 supervised and managed, and whether the provisions of this chapter and the terms
14 and conditions of the applicable agreement referred to in section 16 are being
15 observed; or

16 (d) in all other respects, exercising their powers and performing their
17 duties under this chapter.

18 **§ 25143. Other powers of inspectors.**

19 (a) An inspector may:

20 (1) require any person who has in his possession or under his
21 control any gaming equipment or chips or any books, accounts, records or

1 documents (which books, accounts, records or documents are hereafter in
2 this Part referred to as records) related to the operation of a casino or
3 otherwise relevant to the administration of this chapter to:

4 (i) produce for his inspection any such gaming equipment
5 or chips or records; and

6 (ii) attend before him at a time and place named and then
7 and there to answer any questions or supply any information with
8 respect to any gaming equipment or chips or any records referred
9 to in this paragraph or any entry therein.

10 (2) inspect any gaming equipment or chips or records referred to in
11 subsection (a)(1) of this section and take such notes or copies of or in
12 relation to such records or extracts therefrom as he deems necessary;

13 (3) with the prior approval in writing of the Commission enter
14 any premises or place in or at which he believes on reasonable grounds
15 any gaming equipment or chips or records, as aforesaid, is or are present
16 in order to search for such equipment, chips or records;

17 (4) in a casino or other premises or place search for and seize and
18 retain any gaming equipment or chips or records as aforesaid that he
19 considers will afford evidence as to the commission of an offense against
20 this chapter or any other act or law suspected by him on reasonable
21 grounds to have been committed;

1 (5) require any casino licensee, lessee under a casino lease, casino
2 operator under a casino management agreement, casino key employee,
3 casino employee or any other person associated with the operation or
4 management of a casino to attend before him at a time and place named
5 and then and there to answer any questions or supply any information with
6 respect to the operation of a casino;

7 (6) examine and test any gaming equipment or chips and order the
8 destruction of gaming equipment or chips considered by him to be
9 unsatisfactory for use;

10 (7) receive and investigate complaints from casino patrons with
11 respect to any aspect of the operation of a casino and advise such patrons
12 the results of his investigations;

13 (8) call to his aid:

14 (i) another inspector or a member of the police force where
15 he is obstructed or believes on reasonable grounds that he will be
16 obstructed in the exercise of his powers or performance of his
17 duties; or

18 (ii) a person who he thinks is competent to assist him in the
19 exercise of his powers or performance of his duties.

1 (b) A person who is acting in aid of an inspector under this chapter shall
2 have and may exercise all or any of the powers conferred upon an inspector under
3 this chapter.

4 (c) Any requirement under this section may be made:

5 (1) verbally; or

6 (2) by writing addressed to the person to or on whom it is made
7 and delivered to him personally or sent by mail to his address last known
8 to the inspector.

9 (d) A person is not required, in respect of any matter within the application
10 of this chapter, to answer any question or give any information tending to
11 incriminate himself.

12 **§ 25144. Offenses relating to inspectors.** A person shall not:

13 (a) assault, obstruct, hinder, threaten, abuse, insult or intimidate an
14 inspector or person acting in aid of an inspector who is exercising his powers or
15 performing his functions or duties under this chapter or attempting so to do;

16 (b) when required under this chapter to produce for inspection any gaming
17 equipment, chips or records referred to in this Part, fail without lawful excuse to
18 produce such gaming equipment, chips or records in accordance with such
19 requirement;

20 (c) when required under this chapter to attend before an inspector, fail
21 without lawful excuse to so attend in accordance with such requirement;

1 (d) when required under this chapter to answer any question or supply any
2 information with respect to any gaming equipment, chips or records referred to in
3 this article or with respect to any entry in any such records or with respect to the
4 operation of a casino, give an answer or supply information that is false or
5 misleading or, knowing or being in a position to know the answer or information
6 required, fail to answer that question or supply that information;

7 (e) retake any gaming equipment, chips or records seized, impounded or
8 retained under the authority of this chapter;

9 (f) refuse or fail to destroy any gaming equipment or chips considered by
10 an inspector to be unsatisfactory for use when ordered by the inspector so to do;
11 or

12 (g) prevent, directly or indirectly, a person from attending before an
13 inspector, producing to an inspector any gaming equipment, chips or records or
14 answering any question of or supplying any information to an inspector when that
15 person is required so to do under this chapter.

16 **§ 25145. Bank may be required to furnish Particulars.**

17 (a) The manager or other principal officer of a bank in which a casino
18 licensee, a lessee under a casino lease or a casino operator under a casino
19 management agreement keeps and maintains an account in relation to the
20 operation of a hotel-casino complex or a casino, when presented with an
21 appropriate waiver executed consistent with the "Right to Financial Privacy Act,"

1 12 U.S.C. § 3401 et seq. and 4 CMC § 6454 by an applicant or licensee, upon
2 written request by an inspector, shall furnish to the inspector a statement of
3 account and any other particulars required by the inspector to be so furnished,
4 including copies of checks or records relevant to the account; and no liability shall
5 be incurred by the bank or the manager or other principal officers thereof in
6 respect of any breach of trust or otherwise by reason only of the furnishing of any
7 statement or particulars or copies pursuant to this section.

8 (b) An inspector shall not make a requirement in writing under subsection
9 (a) of this section unless he has the prior approval in writing of the Commission
10 so to do.

11 **§ 25146. Inquiry into operation of casinos.**

12 (a) The Commission may if it thinks fit appoint in writing the Executive
13 Director or any other officer of the Commission to hold an inquiry into the
14 operation of a casino.

15 (b) In the holding of an inquiry the Executive Director or appointed officer
16 shall have all the powers, authorities, rights, privileges, protection and jurisdiction
17 as provided in this chapter.

18 (c) Nothing contained in this section affects any other powers that the
19 Executive Director has as an inspector under this chapter or, where the appointed
20 officer is an inspector, that the appointed officer has as an inspector under this
21 chapter.

- 1 (d) (1) Whenever adverse action is taken toward a licensee that affects
2 its right to continue its casino operation, said licensee so affected may,
3 within 20 days subsequent to receiving notice of such adverse action, re
4 quest a hearing on such adverse action.
- 5 (2) The right to request a hearing under this section shall also apply
6 to an applicant, whose application has been denied.
- 7 (3) A hearing under this section shall be granted and conducted
8 pursuant to the Commonwealth Administrative Procedure Act.
- 9 (4) The Commission may conduct the hearing or may delegate
10 such responsibility.
- 11 (5) The Commission reserves the right to hold a hearing on its own
12 initiative with respect to a licensee or applicant and require such licensee
13 or applicant's appearance.
- 14 (6) The provisions of this section shall apply to the following
15 sections: 10 CMC §§ 2521, 2542, 2544, 2553, 2555, 2561, 2564, 2565,
16 2572, 2584, 25113, 25132, 25141, 25152, and 25180.
- 17 (7) The foregoing list set forth in paragraph (6) of this subsection
18 immediately above is not exclusive and the provisions of this section
19 shall apply to all other portions of this chapter when due process
20 considerations are present as a result of adverse action taken by the

1 Commission involving a licensee, and in cases of denial, involving an
2 applicant.

3 (8) The failure of a licensee or an applicant to request a hearing or
4 appear at a hearing when required by the Commission, shall constitute a
5 waiver of any and all further right of appeal or review.

6 (9) The foregoing provisions of this subsection shall apply to
7 applicants for a Casino Operator's license, in the event that the
8 Commission denies the issuance of such license.

9 **Article 11. General.**

10 **§ 25151. Entry to and exclusion of entry from casino.**

11 (a) Save as is provided in this Article, no person has a right against a
12 casino operator.

13 (b) A direction, either verbally or in writing, prohibiting a person from
14 entering or remaining in a casino may be given to that person by the casino
15 operator or the person who at the time in question is in charge of the operation of
16 the casino.

17 (c) A person to whom a direction is given may, if it is not in writing,
18 request that it be given to him in writing, whereupon the casino operator or person
19 in charge as aforesaid shall give the direction in writing.

20 **§ 25152. Appeal to Commission.**

1 (a) A person receiving a direction in writing pursuant to 10 CMC § 25151
2 prohibiting him from entering or remaining in a casino may appeal against the
3 direction to the Commission.

4 (b) The appeal shall be made in writing and shall detail the grounds on
5 which the appeal is made.

6 (c) The Commission may cause such inquiries to be made by the
7 Executive Director in relation to the direction as he thinks fit and the results of the
8 inquiries to be reported upon to it.

9 (d) Upon a consideration of the grounds of appeal detailed by the appellant
10 and any matters reported upon to it in relation to the direction, the Commission
11 may:

12 (1) reject the appeal; or

13 (2) allow the appeal.

14 (e) The decision of the Commission shall:

15 (1) be communicated in writing to the appellant and the casino
16 operator; and

17 (2) be final and conclusive.

18 (f) The allowance of the appeal by the Commission revokes the direction
19 without prejudice to the right of the casino operator or person in charge of the
20 operation of the casino at a particular time, acting in good faith, to give a further
21 direction to that person for a reason considered by him to be a sufficient reason.

1 (g) An appeal against a direction does not prejudice the effectiveness of
2 the direction pending the Commission's decision thereon.

3 (h) The provisions of 10 CMC § 25146(d) shall be applicable to this
4 Section.

5 **§ 25153. Commonwealth Director of Public Safety may exclude entry.**

6 (a) The Commonwealth Director of Public Safety may direct a casino
7 operator to exclude a specified person from the casino, and the casino operator
8 shall comply.

9 (b) Where the Commonwealth Director of Public Safety gives a direction,
10 he shall, where applicable:

11 (1) make available to the casino operator a photograph of the
12 person to be excluded; and

13 (2) give notice of the direction to the person to be excluded and to
14 the Enforcement Commission.

15 (c) In exercising the authority granted hereunder, the Commission or its
16 employees will exercise only those "police powers" or "powers of a peace
17 officer" that may have been specifically delegated to the Commission or its
18 employees by the Department of Public Safety.

19 **§ 25154. Copy of direction to Executive Director.**

20 A copy of the direction in writing given under 10 CMC § 25151 or §
21 25153 shall be given to the Executive Director by the casino operator or other

1 person who given the direction pursuant to 10 CMC § 25143 by the
2 Commonwealth Director of Public Safety, as the case may be.

3 **§ 25155. Duration of direction.**

4 A direction given under 10 CMC § 25151 or § 25153 shall remain in force
5 until revoked by the casino operator or the Commonwealth Director of Public
6 Safety, as the case may be.

7 **§ 25156. List of names of excluded persons.**

8 (a) The Commission shall, by regulation, provide for the establishment of
9 a list of persons who are to be excluded or ejected from any licensed casino
10 establishment. Such provisions shall define the standards for exclusion, and shall
11 include standards relating to persons:

12 (1) Who are career or professional offenders as defined by
13 regulations of the commission;

14 (2) Who have been convicted of a criminal offense under
15 the laws of any state or of the United States, which is punishable
16 by more than 6 months in prison, or any crime or offense involving
17 moral turpitude; or

18 (3) Whose presence in a licensed casino would, the opinion of the
19 commission, be inimical to the interest of the Municipality of Tinian or of
20 licensed gaming therein, or both.

1 The Commission shall promulgate definitions establishing those
2 categories of persons who shall be excluded pursuant to this section, including
3 cheats and persons whose privileges for licensure or registration have been
4 revoked.

5 (b) Race, color, creed, national origin or ancestry, sex, or religious belief
6 shall not be a reason for placing the name of any person upon such list.

7 (c) The Commission may impose sanctions upon a licensed casino or
8 individual licensee or registrant in accordance with the provisions of this chapter
9 if such casino or individual licensee or registrant knowingly fails to exclude or
10 eject from the premises of any licensed casino any person placed by the
11 commission on the list of persons to be excluded or ejected.

12 (d) Any list compiled by the Commission of persons to be excluded or
13 ejected shall not be deemed an all-inclusive list, and the licensed casino
14 establishments shall have a duty to keep from their premises persons known to
15 them to be within the classifications declared in subsection (a) of this section and
16 the regulations promulgated thereunder.

17 (e) Whenever the name or description of any person is placed on a list
18 pursuant to this section, the Commission shall serve notice of such fact to such
19 person by personal service, by certified mail at the last known address of such
20 person, or by publication daily for one week in a newspaper of general circulation
21 in the Commonwealth.

1 (f) The Commission shall adopt as its own those lists of persons to be
2 excluded from the States of Nevada and New Jersey. All persons excluded from
3 casinos in Nevada and New Jersey shall be excluded from Tinian Casinos. The
4 Commission may adopt as its own those lists of persons to be excluded from other
5 jurisdictions if it is satisfied the persons on those lists were given due process of
6 law.

7 (g) Within 30 days after service by mail or in person or 60 days from the
8 time of last publication, as the case may be, the person named for exclusion or
9 ejection may demand a hearing before the Commission and show cause why he
10 should have his name removed from such list. Failure to demand such a hearing
11 within the time allotted in this section shall preclude a person from having an
12 administrative hearing but shall in no way affect his right to judicial review as
13 provided herein.

14 (h) Upon receipt of a demand for a hearing, the Commission shall set a
15 time and place for such hearing. Unless otherwise agreed by the Commission and
16 the named person, such hearing shall not be later than 30 days after the receipt of
17 a demand for such hearing.

18 (i) If, upon completion of the hearing, the Commission determines that the
19 regulation does not or should not apply to the person so listed, the Commission
20 shall notify all casino licensees of such determination.

1 (j) If, upon completion of a hearing, the Commission determines that the
2 placement of the name of the person on the exclusionary list was appropriate, the
3 commission shall make and enter an order to that effect. Such order shall be
4 subject to review by the Superior Court in accordance with the rules of court.

5 **§ 25157. Casino operator may exclude or remove excluded person.**

6 (a) It is lawful for a casino operator and an employee or agent of a casino
7 operator employed in or acting in connection with the casino and any person
8 acting by the authority of the casino operator, employee or agent to use such force
9 as is reasonably necessary in order to prevent any person who is the subject of a
10 direction under 10 CMC § 25151 or § 25153 from entering the casino or in order
11 to remove any such person who remains in the casino, provided that he does not
12 do serious bodily injury to such person.

13 (b) In subsection (a) of this section the term serious bodily injury has the
14 meaning assigned to it in 6 CMC § 103(o).

15 **§ 25158. Excluded person not to enter or remain in casino.**

16 A person who is subject of a direction in writing under 10 CMC § 25151
17 or § 25153 shall not enter or remain in the casino to which the direction relates.

18 **§ 25159. Excluded person not be allowed in casino.**

19 A casino operator or employee or agent of a casino operator employed in
20 or acting in connection with the casino shall not allow or suffer any person who to

1 his knowledge is subject of a direction in writing under 10 CMC § 25151 or §
2 25153 in respect of that casino to enter or remain in the casino.

3 **§ 25160. Powers of inspectors, etc., unaffected.**

4 Nothing contained in 10 CMC § 25151 to § 25159 operates to prevent any
5 inspector or any other person from exercising any power conferred on him by this
6 or any other act or law to enter, or to do any other act in relation to, a casino.

7 **§ 25161. Provision relating to minors in respect of casinos.**

8 (a) Persons under the age of 18 years shall not be, and shall not be
9 permitted to be, in a casino during the hours of operation of the casino on any day
10 unless such person is employed by a government law enforcement agency or the
11 Commission or the casino and the presence of such person in the casino during
12 the operation of the casino is necessarily related to his/her employment.

13 (b) A person under the age of 18 years who is found in a casino during the
14 hours of operation of the casino on any day is in violation of this chapter, unless
15 such person is employed by a government law enforcement agency or the
16 Commission or the casino and the presence of such person in the casino during
17 the operation of the casino is necessarily related to his/her employment.

18 (c) Unless such person is employed by a government law enforcement
19 agency or the Commission or the casino and the presence of such person in the
20 casino during the operation of the casino is necessarily related to his/her

1 employment, a casino operator or employee or agent of a casino operator
2 employed in or acting in connection with the casino:

3 (1) shall not allow or suffer any person under the age of 18 years to
4 enter or remain in the casino at any time during the hours of operation of
5 the casino on any day;

6 (2) shall remove or cause to be removed from the casino any
7 person under the age of 18 years who is found in the casino during the
8 operation of the casino on any day.

9 (d) (1) If a casino operator or employee or agent of a casino operator
10 employed in or acting in connection with the casino suspects that any
11 person attempting to enter or who is in the casino may be under the age of
12 18 years, he may request that person to furnish him a certificate in the
13 prescribed form, signed by that person, specifying the true age of that
14 person and in the case of a person under the age of 2 years who is
15 employed by a government law enforcement agency or the Commission or
16 the casino, a certificate of such employment.

17 (2) If a person, in being requested to furnish a certificate under this
18 subsection:

19 (i) fails to furnish such certificate and attempts further to
20 enter the casino;

1 (ii) fails to furnish such a certificate and fails to leave the
2 casino voluntarily; or

3 (iii) furnishes a certificate that is false or misleading in any
4 material particular, he is in violation of this chapter.

5 (e) It is a defense in any proceedings for an offense under the subsection
6 (c) of this section to establish:

7 (1) that the defendant believed, on reasonable grounds, that the
8 person in question was of or above the age of 18 years; or

9 (2) that at the time of contravention of or failure to comply with
10 the subsection (c) of this section, the defendant had obtained from the
11 person in question a certificate referred to in subsection (d) of this section
12 that indicated that person was of or above the age of 18 years, or that such
13 person was employed by a government law enforcement agency or the
14 Commission or the casino and the presence of such person in the casino
15 was necessarily related to that person's employment.

16 **§ 25162. Cheating.** Any person who in a casino:

17 (a) by any fraudulent trick, device, sleight of hand or representation;

18 (b) by any fraudulent scheme or practice;

19 (c) by the fraudulent use of any machine, equipment or other thing; or

1 (d) by the fraudulent use of any instrument or article of a type normally
2 used in connection with gaming or appearing to be of a type normally used in
3 connection with gaming,

4 obtains for himself or another person or induces any person to deliver,
5 give or credit to him or another person any money, chips, benefit, advantage,
6 valuable consideration or security is in violation of this chapter.

7 **§ 25163. Unlawful use of certain equipment, etc.**

8 Any person who in a casino uses or has in his possession:

9 (a) any chips that he knows are bogus or counterfeit chips; or

10 (b) any cards, dice or coins that he knows have been marked, loaded or
11 tampered with; or

12 (c) for the purpose of cheating or stealing, any equipment, device or thing
13 that permits or facilitates cheating or stealing,

14 is in violation of this chapter.

15 **§ 25164. Detention of persons by casino operator, etc., in relation to**
16 **offenses under 10 CMC § 25162 and 10 CMC § 25163.**

17 (a) Any of them:

18 (1) a casino operator;

19 (2) an employee or agent of a casino operator; or

20 (3) an inspector,

1 may in a casino detain in a suitable place therein any person who is or
2 whom he suspects on probable cause to be contravening or attempting to
3 contravene 10 CMC § 25162 or § 25163, using such force as is reasonably
4 necessary for that purpose, until the arrival of the police force at the place of
5 detention.

6 (b) The person so detaining shall take such steps as are necessary to ensure
7 the summoning and arrival of a member of the police force with as little delay as
8 possible.

9 **§ 25165. Detention, arrest, etc., of persons by member of the police**
10 **force in relation to offenses under 10 CMC §§ 25162 and § 25163.**

11 (1) Any member of the police force may in a casino detain in a suitable
12 place therein for a reasonable time any person who has or who is suspected on
13 reasonable grounds to have contravened or attempted to contravene 10 CMC §§
14 25162 and 25163.

15 **§ 25166. Offenses relating to revenue.** Any person who willfully:

16 (a) evades the payment of any fee, tax or levy payable by him under the
17 provisions of this chapter;

18 (b) furnishes to the Executive Director or an inspector any return in
19 respect of any fee, tax or levy payable under the provisions of this chapter that is
20 false in any material particular; or

1 (c) makes any false statement or report to the Executive Director or an
2 inspector in respect of any fee, tax or levy payable under the provisions of this
3 chapter,

4 is in violation of this chapter.

5 **§ 25167. Offenses relating to unauthorized games.**

6 A person shall not conduct in a casino any game unless the game is
7 permitted to be conducted in a casino pursuant to 10 CMC § 2596.

8 **§ 25168. Offenses relating to cheating by casino operator, etc.**

9 Any casino operator or employee or agent of a casino operator who in a
10 casino conducts any game in such a manner as to win or attempt to win from any
11 person to himself or any other person any money, chips or other valuable thing by
12 any fraud, unlawful device or ill practice is in violation of this chapter.

13 **§ 25169. Forgery and like offenses.** A person who:

14 (a) forges or counterfeits any chip purchase voucher, license, identification
15 card or other form of identification authorized to be issued under this chapter;

16 (b) knowingly utters any such chip purchase voucher, license
17 identification card or other form of identification so forged or counterfeited;

18 (c) personates any person named in any such license, identification card or
19 birth form of identification;

20 (d) falsely represents himself to be an inspector or an officer of the Tinian
21 Casino Gaming Control Commission;

1 (e) connives at any such forging, counterfeiting, uttering, personating or
2 representing as aforesaid; or

3 (f) knowingly makes a false statement in any application made under this
4 chapter,

5 is in violation of this chapter.

6 **§ 25170. Bribery of officers of the Commission.**

7 (a) Any officer of the Commission who corruptly asks for, receives or
8 obtains or agrees to receive or obtain any money, property or benefit of any kind
9 for himself or any other person:

10 (1) to forego or neglect his duty or influence him in the
11 performance of his duty as an officer of the Commission;

12 (2) on account of anything already done or omitted to be done or to
13 be afterwards done or omitted to be done by him in the discharge of his
14 duty as an officer of the Commission; or

15 (3) to use or take advantage of his office improperly to gain a
16 benefit or advantage for or facilitate the commission of an offense by
17 another person

18 is, in addition to being in violation of the Criminal Code of the
19 Commonwealth, in violation of this chapter.

20 (b) Any person who corruptly gives, confers or procures or promises or
21 offers to give or confer or procure or to attempt to procure, upon or for any officer

1 of the Commission or any other person any money, property or benefit of any
2 kind:

3 (1) to forego or neglect his duty or influence him in the
4 performance of his duty as an officer of the Commission;

5 (2) on account of anything already done or omitted to be done by
6 him in the discharge of his duty as an officer of the Commission;

7 (3) to use or take advantage of his office improperly to gain a
8 benefit or advantage for or facilitate the commission of an offense by
9 another person,

10 is, in addition to being in violation of the Criminal Code of the
11 Commonwealth, in violation of this chapter.

12 **§ 25171. Officers of the Commission not to gamble, etc.**

13 (a) A member or an officer of the Commission:

14 (1) shall not gamble in a casino save to the extent that it may be
15 necessary for him to do so in the course of his duties as an officer;

16 (2) shall not knowingly have, directly or indirectly:

17 (i) any business or financial association with; or

18 (ii) any business or financial interest in any matter in
19 conjunction with a licensee under this chapter;

20 (3) shall not be an employee in any capacity of a licensee under
21 this chapter; and

1 (4) shall not solicit or accept employment from or be an employee
2 or business or financial associate in any capacity of a licensee under this
3 chapter within a period of five years after he ceases to be an officer of the
4 Commission.

5 (b) A licensee under this chapter:

6 (1) shall not employ in any capacity or have as an employee a
7 person who is an officer of the Commission, or any member of that
8 officer's immediate family; and

9 (2) shall not employ in any capacity or have as an employee or
10 business or financial associate a person who was an officer of the
11 Commission with a period of five years after that person ceased to be an
12 officer of the Commission.

13 (c) An officer of the Commission who knowingly has, directly or
14 indirectly:

15 (1) any business or financial association with; or

16 (2) any business or financial interest in any matter in conjunction
17 with a person who becomes an applicant for a license under this chapter
18 shall, immediately upon becoming aware that such person has become an
19 applicant:

20 (i) notify the Commission of such association or interest;

21 and

1 (ii) if directed by the Commission, terminate the
2 association or relinquish the interest within a time specified by the
3 Commission.

4 (d) The expression "licensee under this chapter" occurring in this section
5 includes a lessee under a casino lease and a casino operator under a casino
6 management agreement.

7 **§ 25172. Entry to casino by members of the police force.**

8 (a) Any member of the police force may, in the discharge of his duty, enter
9 any area of a casino to which the public has access.

10 (b) Any such area is a public place for the purpose of the exercise by a
11 member of the police force of powers and the discharge by him of duties
12 exercisable or, as the case may be, to be discharged by him in a public place under
13 any act or law.

14 (c) A member of the police force may, on being authorized so to do by an
15 inspector on duty at a casino, enter any other area of the casino in the discharge of
16 his duty, provided that this provision does not limit or prejudice the exercise by a
17 member of the police force of any other power he has pursuant to law to enter a
18 casino or any part of it.

19 (d) When an inspector gives an authorization to a member of the police
20 force in accordance with subsection (c) of this section, he shall, where practicable,

1 give notice of the authorization to the person who is for the time being in charge
2 of the operation of the casino.

3 (e) To the extent that this Section authorizes warrantless searches, the
4 Commission and its employees will act only pursuant to a waiver given by an
5 applicant or licensee.

6 **§ 25173. Effect of casino license.**

7 (a) The operation of a casino pursuant to a casino license, in accordance
8 with this chapter and any other applicable act and the agreement as referred to in
9 10 CMC § 2532 relating to the particular license does not, in itself, constitute a
10 public or private nuisance.

11 (b) Subject to subsection (c) of this section, nothing contained in 10 CMC
12 § 2531 operates to validate or render enforceable a contract related to gambling
13 that would, apart from that section, be invalid or unenforceable.

14 (c) A contract to which subsection (b) of this section refers and to which
15 the casino operator is a party is enforceable against the casino operator.

16 **§ 25174. Protection of officers, etc.**

17 (a) No liability shall be incurred by the Commonwealth of the Northern
18 Mariana Islands, the Commission, the Department of Public Safety, any inspector
19 or any other officer of the Tinian Casino Gaming Control Commission, the
20 Enforcement Division, or any member of the police force or other person acting in
21 aid of an inspector pursuant to this chapter on account of anything done for the

1 purposes of this chapter or done in good faith and purporting to be for the
2 purposes of this chapter.

3 (b) No liability shall be incurred by any person referred to in 10 CMC §
4 25164 or § 25165 who, acting pursuant thereto or acting in good faith and
5 purporting to act pursuant thereto, detains any person or exercises any other
6 power thereunder.

7 **§ 25175. General civil penalty.**

8 A person who contravenes or fails to comply with any provision of this
9 chapter is guilty of an offense and, save where a specific civil penalty is otherwise
10 provided, is liable, in case of a body corporate, to a civil penalty of up to \$20,000
11 and, in the case of a natural person, to a civil penalty of up to \$10,000. Provided,
12 however, the Commission shall not attempt to assess penalties and fines against
13 any individual or entity who has not submitted an application for a license to the
14 Commission or received a license from the Commission.

15 **§ 25176. Proceedings for offenses.**

16 A prosecution for an offense against this chapter may be commenced
17 within one year from the time when the matter of complaint arose or within 6
18 months after the matter of complaint comes to the knowledge of the complainant,
19 whichever is the period later to expire.

20 **§ 25177. Institution of proceedings.**

1 (a) Without limiting the provisions of subsection (b) of this section,
2 proceedings for an offense against 10 CMC § 25162 or § 25163 may be instituted
3 by a member of the Attorney General's Office.

4 (b) Proceedings for an offense against this chapter may be instituted by the
5 Executive Director or by a person authorized in writing by the Commission
6 referring any matters that the Commission believes to be appropriate for criminal
7 prosecution to the Office of the Attorney General. The Attorney General's Office
8 shall then review and evaluate the referral and independently determine whether a
9 criminal prosecution should be undertaken.

10 (c) In any case where power is given to arrest an offender, the power and
11 authority to proceed against an offender by way of complaint and summons under
12 6 CMC § 6101 also lies and shall have full force and effect.

13 **§ 25178. Attempt to commit offense.**

14 (a) A person shall not attempt to commit an offense against this chapter.

15 (b) A person found in violation of the offense against this chapter is liable
16 to the same penalty as an offender convicted of the offense itself unless he proves
17 that he desisted of his own motion from the further prosecution of his intention
18 without its fulfillment being prevented by circumstances independent of his will,
19 in which case he is liable to one half of the penalty to which he would otherwise
20 be liable.

1 (c) A person may be found in violation of attempting to commit an offense
2 upon a complaint charging him with that offense.

3 **§ 25179. Liability for offense by body corporate.**

4 (a) Where a body corporate commits an offense against this chapter, each
5 of the following persons shall be deemed to have committed the offense and,
6 notwithstanding 6 CMC § 301 or any other rule of law or practice, to be
7 responsible for the act or omission concerned therein and may be charged with the
8 offense and punished accordingly:

9 (1) the person who at the time of the commission of the offense
10 was the chairman of directors, managing director, manager or other
11 governing officer by whatever name called and each member of the
12 governing body by whatever name called of the body corporate; and

13 (2) every person who, at the time of the commission of the offense,
14 managed or acted or took part in the management, administration or
15 government of the business in the Municipality or the Commonwealth of
16 the body corporate.

17 (b) This section applies to as not to limit or affect in any way the liability
18 of a body corporate to be proceeded against and punished for an offense against
19 this chapter committed by it.

20 (c) It is a defense to a charge for an offense against this chapter brought
21 against a person specified in subsection (a)(1) or (a)(2) of this section to prove

1 that the offense was committed without that person's knowledge or consent or
2 connivance and that he exercised due diligence to prevent the commission of the
3 offense.

4 (d) Personal liability for an offense committed by a body corporate shall
5 be imposed only against the officers, directors and shareholders of the corporation
6 for those corporations who have submitted an application for a license or who
7 have been granted a license by the Commission.

8 **§ 25180. Service of notices, documents, etc.**

9 (a) Save where any other provision of this chapter otherwise provides, any
10 direction, order, requisition or notice in writing or any other document or writing
11 (hereinafter in this section referred to as a document) required or authorized by
12 this chapter to be given to or served upon any person shall be taken to have been
13 duly given or served if:

14 (1) it is served personally on the person to whom it is directed or
15 on a person authorized by that person, either generally or in a particular
16 case, to accept service of documents on his behalf;

17 (2) it is left at the place of residence or business of the person to
18 whom it is directed last known to the person who gives or serves it;

19 (3) it is sent by mail to the place of residence or business of the
20 person to whom it is directed last known to the person who gives or serves
21 it; or

1 (4) where a manner of service is prescribed by any other chapter
2 or law in relation to a person or class of person, it is served in the manner
3 so prescribed.

4 (b) Where any document is given or served, the person who gives or
5 serves it may attend before a justice and depose an oath and in writing endorsed
6 on a copy of the document to the manner of service thereof showing therein the
7 date of personal service, leaving, posting or service in any other manner
8 prescribed as aforesaid, as the case may be, of such document.

9 **§ 25181. Evidentiary provisions.** In the proceedings under this chapter:

10 (a) it shall not be necessary to prove the appointment of the Commission,
11 the Executive Director, any inspector or any officer of the Tinian Casino Gaming
12 Control Commission, the Commonwealth Director of Public Safety, or any
13 member of the police force;

14 (b) a signature purporting to be that of any person in any capacity referred
15 to in subsection (a) of this section shall be taken to be the signature it purports to
16 be until the contrary is proved. The evidentiary provisions of the Administrative
17 Procedure Act shall apply to all evidentiary hearings.

18 **§ 25182. Regulations.**

19 (a) The Commission may make regulations, not inconsistent with this
20 chapter, for or with respect to:

- 1 (1) the types of work a casino key employee or casino employee
2 may be licensed to perform and the compilation of a list or lists with
3 respect thereto;
- 4 (2) arrangements and procedures for the taking of finger prints and
5 palm prints of an applicant for a casino key employee license or a casino
6 employee license;
- 7 (3) forms to be used for the purpose of this chapter and prescribing
8 such forms and by whom prescribed forms or any particular prescribed
9 forms shall be printed;
- 10 (4) restrictions or conditions to be placed upon the entry into the
11 casino by persons who are not registered as guests of the casino-hotel;
- 12 (5) any matter or thing in relation to the administration of this
13 chapter in respect of which a fee is payable and prescribing the amount of
14 such a fee, except that no regulation can reduce the amount of the fees as
15 listed in article 6 of this chapter;
- 16 (6) the control of advertising by casino licensees, lessees under
17 casino leases and casino operators under casino management agreements
18 in relation to casinos and their operation;
- 19 (7) offenses against the regulations and prescribing the amount of
20 an penalty for an offense against any regulation, provided that any such
21 penalty shall not exceed \$500;

1 (8) all matters required or permitted by this chapter to be
2 prescribed where such matters are to be or may be prescribed by the
3 regulations or where the method of prescription is not otherwise provided;
4 and

5 (9) all matters that may be convenient for the administration of this
6 chapter or that may be necessary or expedient to achieve the objects and
7 purposes of this chapter; and

8 (b) such regulations shall be adopted, amended, and repealed in
9 accordance with the provisions of the Administrative Procedure Act.

10 (c) Consistent with the provisions of this chapter and the Administrative
11 Procedure Act, the Commission may, after notice provided in accordance with
12 this subsection, authorize the temporary adoption, amendment or repeal of any
13 rule concerning the conduct of gaming or the use or design of gaming equipment
14 for an experimental period not to exceed 90 days for the purpose of determining
15 whether such rules should be adopted on a permanent basis in accordance with the
16 requirements of this section. Any temporary modification of rules or similar rules
17 experiment authorized by this subsection shall be conducted under such terms and
18 conditions as the Commission may deem appropriate.

19 (d) The commission shall, without limitation on the powers conferred in
20 the preceding section, include within its regulations the following specific
21 provisions in accordance with the provisions of this chapter:

1 (1) Prescribing the methods and forms of application which any
2 applicant shall follow and complete prior to consideration of his
3 application by the commission;

4 (2) Prescribing the methods and procedures and forms for delivery
5 of information concerning any person's family, habits, character,
6 associates, criminal record, business activities and financial affairs;

7 (3) Prescribing procedures for the fingerprinting of an applicant,
8 employee of a licensee, or registrant, or other methods of identification
9 which may be necessary in the judgment of the commission to accomplish
10 effective enforcement of restrictions on access to the casino floor and
11 other restricted areas of the casino hotel complex;

12 (4) Prescribing the manner and procedure of all hearings conducted
13 by the commission or any hearing examiner, including special rules of
14 evidence applicable thereto and notices thereof;

15 (5) Prescribing the manner and method of collection of payments
16 of taxes, fees, and penalties;

17 (6) Defining and limiting the areas of operation, the rules of
18 authorized games, odds, and devices permitted, and the method of
19 operation of such games and devices;

20 (7) Regulating the practice and procedures for negotiable
21 transactions involving patrons, including limitations on the circumstances

1 and amounts of such transactions, and the establishment of forms and
2 procedures for negotiable instrument transactions, redemptions, and
3 consolidations;

4 (8) Prescribing grounds and procedures for the revocation or
5 suspension of operating certificates and licenses;

6 (9) Governing the manufacture, distribution, sale, and servicing of
7 gaming devices and equipment;

8 (10) Prescribing the procedures, forms and methods of
9 management controls, including employee and supervisory tables of
10 organization and structure, alarm and other electrical and visual security
11 measures;

12 (11) Prescribing the qualification of, and the conditions pursuant to
13 which, engineers, accountants, and others shall be permitted to practice
14 before the commission or to submit materials on behalf of any applicant or
15 licensee; provided, however, that no member of the Tinian Municipal
16 Council, nor any firm with which said member is associated, shall be
17 permitted to appear or practice or chapter in any capacity whatsoever,
18 except as to percipient witness, before the commission or division
19 regarding any matter whatsoever, nor shall any member of the family of
20 the Mayor of Tinian and Aguiguan or a member of the Council be

1 permitted to so practice or appear in any capacity whatsoever before the
2 commission or division regarding any matter whatsoever;

3 (12) Prescribing minimum procedures for the exercise of effective
4 control over the internal fiscal affairs of a licensee, including provisions
5 for the safeguarding of assets and revenues, the recording of cash and
6 evidence of indebtedness, and the maintenance of reliable records,
7 accounts, and reports of transactions, operations and events, including
8 reports to the commission;

9 (13) Providing for a minimum uniform standard of accountancy
10 methods, procedures and forms; a uniform code of accounts and
11 accounting classifications; and such other standard operating procedures,
12 as may be necessary to assure consistency, comparability, and effective
13 disclosure of all financial information, including calculations of
14 percentages of profit by games, tables, gaming devices and slot machines;

15 (14) Requiring periodic financial reports and the form thereof,
16 including an annual audit prepared by a certified public accountant
17 licensed to do business in the Commonwealth, attesting to the financial
18 condition of a licensee and disclosing whether the accounts, records and
19 control procedures examined are maintained by the licensee as required by
20 this chapter and the regulations promulgated hereunder;

1 (15) Governing the advertising of casino licensees, their employees
2 and agents, with the view toward assuring that such advertisements are in
3 no way deceptive; provided, however, that such regulations shall not
4 prohibit the advertisement of casino location, hours of operation, or types
5 of games and other amenities offered, but in no circumstance shall permit
6 the advertisement of information about odds, the number of games, or the
7 size of the casino; and provided further, however, that such regulations
8 shall require the words "Bet with your head not over it" to appear on all
9 billboards, signs and other onsite advertising casino operation;

10 (16) Governing entertainment presented by casino licensees in
11 accordance with the prevailing community standards as determined by the
12 commission;

13 (17) Casino and casino licensee are subject to 4 CMC § 5511 et
14 seq., and the regulations adopted thereunder by the Commonwealth
15 Alcoholic Beverage Control Board except for:

16 (i) the regulation and control of hours that a casino may
17 serve alcoholic beverages; and

18 (ii) the function and control as to when patrons must leave
19 the casino.

20 (18) Limiting signs and other onsite advertising, with a view
21 toward minimizing solicitation for gaming purposes from the public

1 thoroughfares or otherwise dominating or despoiling the architecture or
2 environment of the island;

3 (19) Requiring a gambling permit to be issued after showing that
4 he or she has adequate financial resources; and

5 (20) Providing for minimum building code standards. Provided,
6 however, that such standards are in addition to any and all other building
7 codes applicable to construction on Tinian.

8 (e) The power to regulate conferred by this section includes the power to
9 prohibit.

10 **§ 25183. Violations; civil penalties.**

11 Violations of this chapter shall be prosecuted by the Executive Director or
12 his designee before the Tinian Casino Gaming Control Commission or a hearing
13 officer designated by said Commission.

14 (a) For each violation of 10 CMC § 25141(c) the person found in violation
15 shall be subject to a civil penalty of up to \$1,000.

16 (b) For each violation of 10 CMC §§ 2528(c), 2533(c), 2594, 2596, 2598,
17 2599, 25100, 25114, 25116, 25117, 25119, 25120, 25131, 25141(b), 25144,
18 25158, 25159, 25161(c), 25161(d)(1), 25161(d)(2) or 25167 of this chapter the
19 person found in violation shall be subject to a civil penalty of up to \$5,000.

1 (c) For each violation of 10 CMC § 25162, 25163, 25166, 25168,
2 25170(a) or 25170(b) of this chapter the person found in violation shall be subject
3 to a civil penalty of up to \$50,000.

4 (d) Civil penalties to be assessed under this section may be assessed only
5 against those individuals or entities who have filed an application for a license or
6 have received a license from the Commission.

7 (e) The provisions of 10 CMC § 25146(d) shall be applicable to this
8 Section.

9 (f) All monies collected pursuant to this section shall be paid to the Tinian
10 Municipal Treasurer.

11 **§ 25184. Attorney fees and costs.**

12 Should it become necessary, in the opinion of the Commission, to enforce
13 any provision of this chapter against any licensee, then the licensee shall pay all
14 reasonable attorney fees and costs incurred by the Commission.

15 **§ 25185. Applicability of Chapter.**

16 This is a local law and it shall apply only in the Second Senatorial District
17 (Tinian & Aguiguan).

18 **§ 25186. Effective Date.**

19 This chapter shall take effect retroactive to April 18, 1993.

20 **Article 12. Declaration of Policy.**

21 **§ 25191. Declaration of Policy.**

1 The people of Tinian find and declare to be the public policy of the
2 Second Senatorial District, the following:

3 (a) The tourist, and resort industry of Tinian constitutes an essential
4 component of its economic structure and, if properly developed, controlled and
5 fostered, is capable of providing a substantial contribution to the general welfare,
6 health and prosperity of Tinian, its inhabitants, and the people of the
7 Commonwealth.

8 (b) By reason of its location and prominence within the inhabited islands
9 of the entire Commonwealth, Tinian is a valuable asset in the tourist and resort
10 industry of the Northern Mariana Islands.

11 (c) The fostering and encouragement of the tourism and entertainment
12 industries will offer a unique opportunity for the inhabitants of Tinian and the
13 entire Commonwealth to make maximum use of the resources for the expansion
14 and encouragement of a hospitality industry.

15 (d) Restricting the issuance of casino license to major hotel-casino
16 complex is designed to assure that casinos licensed pursuant to the provisions of
17 this chapter are always offered and maintained as an integral element of such
18 hospitality facilities, rather than as the industry unto themselves that they have
19 become in other jurisdictions.

20 (e) An integral and essential element of the regulation and control of such
21 casino facilities rests in the public confidence and trust in the credibility and

1 integrity of the regulatory process and of casino operations. To further such public
2 confidence and trust, the regulatory provisions of this chapter are designed to
3 extend strict regulation to all persons, locations, practices and association, related
4 to the operation of licensed casino enterprises and all related service industries as
5 herein provided. In addition, comprehensive law enforcement supervision
6 attendant thereto, is further designed to contribute to the public confidence and
7 trust in the efficacy and integrity of the regulatory process.

8 (f) Legalized casino gaming in Tinian can attain, maintain and retain
9 integrity, public confidence and trust, and remain compatible with the general
10 public interest only under such a system of control and regulation as insurer, so
11 far as practicable, the exclusion from participation therein of persons with known
12 criminal records, habits or associations, and the exclusion or removal from any
13 positions of authority or responsibility within casino gaming operations and
14 establishments of any persons known to be so deficient in business probity, ability
15 or experience, either generally or with specific reference to gaming, as to create or
16 enhance the dangers of unsound, unfair or illegal practices, methods and activities
17 in the conduct of gaming or the carrying on of business and financial
18 arrangements incident thereto.

19 (g) Since the public has a vital interest in casino operation on Tinian
20 sanctioned by passage of this chapter in conformity with the gambling provisions
21 under the Commonwealth Constitution, participation in casino operations as a

1 licensee or registrant under this chapter shall be deemed a revocable privilege
2 conditioned upon the proper and continued qualification of the individual licensee
3 or registrant and upon the discharge of the affirmative responsibility of each such
4 licensee or registrant to provide to the regulatory and investigatory authorities
5 established by this chapter any assistance and information necessary to assure that
6 the policies declared by this chapter are achieved. Consistent with this policy, it is
7 the intent of this chapter to preclude the creation of any property right in any
8 license, registration, certificate or reservation permitted by this chapter, the
9 accrual of any value to the privilege or participation in gaming operation, or the
10 transfer of any license, registration, certificate, or reservation, and to require that
11 participation in gaming be solely conditioned upon the individual qualification of
12 the person seeking such privilege.

13 (h) Since casino operations are especially sensitive and in need of public
14 control and supervision, and since it is vital, to the interests of the Municipality of
15 Tinian to prevent entry, directly or indirectly, into such operations or the ancillary
16 industries regulated by this chapter of persons who have pursued economic gains
17 in an occupational manner or context which are in violation of the criminal or
18 civil public policies, the regulatory and investigatory powers and duties shall be
19 exercised to the fullest extent consistent with law to avoid entry of such persons
20 into the casino operations or the ancillary industries regulated by this chapter.

1 (i) Since the development of casino gaming operations on Tinian will
2 substantially impact the physical environment of this island in the
3 Commonwealth, and since it is necessary to insure that this substantial alteration
4 be beneficial to the overall ecology of the island, regulatory and investigatory
5 powers and duties conferred by this chapter shall include, in cooperation with
6 other public agencies, the power and duty to monitor and regulate casinos and the
7 growth of casino operations to respond to the needs of the community.

8 (j) The facilities in which licensed casinos are to be located are of vital law
9 enforcement and social interest to the Commonwealth, and it is in the public
10 interest that the regulatory and investigatory powers and duties conferred by this
11 chapter include the power and duty to review architectural and site plans to assure
12 that the proposal is suitable by law enforcement, aesthetic and architectural
13 standards.

14 (k) Since the economic stability of casino operations is in the public
15 interest and fair and competition in the casino operation of Tinian is important,
16 the regulatory and investigatory powers and duties conferred by this chapter shall
17 include the power and duty to regulate, control and prevent economic
18 concentration in the casino operations and the ancillary industries regulated by
19 this chapter, and to encourage and preserve competition.

20 (l) It is in the public interest that the institution of licensed casino
21 establishments be strictly regulated and controlled pursuant to the above findings

1 and pursuant to the provisions of this chapter, which provisions are designed to
2 engender and maintain public confidence and trust in the regulation of the
3 licensed enterprises, to provide a meaningful and permanent contribution to the
4 economic viability of the resort and tourist industry of Tinian and the
5 Commonwealth.

6 (m) Continuity and stability in casino gaming operations cannot be
7 achieved at the risk of permitting persons with unacceptable backgrounds and
8 records of behavior to control casino gaming operations contrary to the vital law
9 enforcement interests of Tinian and the Commonwealth.

10 (n) The aims of continuity and stability of law enforcement officials will
11 best be served by a system in which continuous casino operation can be assured
12 under certain circumstances wherein there has been a transfer of property or
13 another interest relating to an operating casino and the transferee has not been
14 fully licensed or qualified, as long as control of the operation under such
15 circumstances may be placed in the possession of person or persons in whom the
16 public may feel a confidence and a trust.

17 (o) A system whereby the suspension or revocation of casino operations
18 under certain appropriate circumstances causes the imposition of conservatorship
19 upon the suspended or revoked casino operation serves both the economic and
20 law enforcement interests involved in casino gaming operations.

21 **SECTION 5. SEVERABILITY.**

1 If any provision of this Act or the application of any such provision to any
2 person or circumstance should be held invalid by a court of competent
3 jurisdiction, the remainder of this Act or the application of its provisions to
4 persons or circumstances other than those to which it is held invalid shall not be
5 affected thereby.

6 **SECTION 6. SAVINGS CLAUSE.**

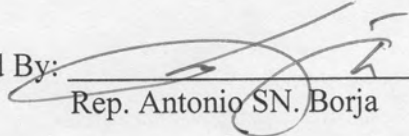
7 This Act and any repealer contained herein shall not be construed as
8 affecting any existing right acquired under contract or acquired under statutes
9 repealed or under any rule, regulation or order adopted under the statutes.
10 Repealers contained in this Act shall not affect any proceeding instituted under or
11 pursuant to prior law. The enactment of the Act shall not have the effect of
12 terminating, or in any way modifying, any liability, civil or criminal, which shall
13 already be in existence on the date this Act becomes effective.

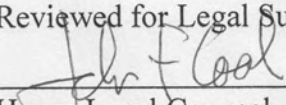
14 **SECTION 7. EFFECTIVE DATE.**

15 This Act shall take effect upon its approval by the Governor or its
16 becoming law without such approval.

Prefiled: 12/4/17

Date: 12/02/19

Introduced By: 
Rep. Antonio SN. Borja

Reviewed for Legal Sufficiency by:

House Legal Counsel