

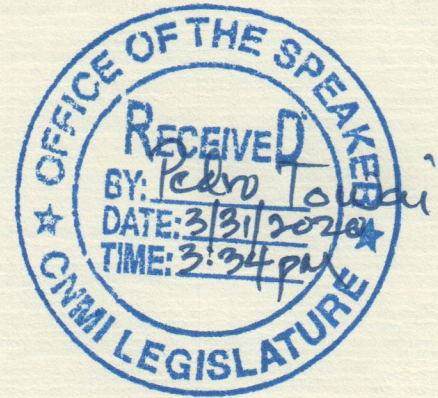
RALPH DLG. TORRES
Governor

ARNOLD I. PALACIOS
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

March 30, 2020

The Honorable Jude U. Hofschneider
Chairman
Tinian and Aguiguan
Legislative Delegation
Twenty-First Northern Marianas
Commonwealth Legislature
Capitol Hill
Saipan, MP 96950



The Honorable Blas Jonathan "BJ" T. Attao
Speaker
House of Representatives
Twenty-First Northern Marianas
Commonwealth Legislature
Capitol Hill
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law **House Local Bill No. 21-38: D1** entitled, "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 19-12, and 20-05; and for other purposes.", which was passed by the Tinian and Aguiguan Legislative Delegation of the Twenty-First Northern Marianas Commonwealth Legislature.

Although I have approved this legislation, there are several concerns brought to my attention by the Attorney General for which I believe needs to be addressed by the Delegation. These concerns are as follows:

Legislative delegations have limited lawmaking authority confined "exclusively to local matters within one senatorial district." NMI Const. art. II, § 6. Furthermore, the legislative delegation from the Second Senatorial District has the authority to amend the Revised Tinian Casino Gaming Control act of 1989 as long as such amendments do not "unduly and unreasonably interfere with a senatorial district's constitutional right to effectively establish gambling." *Blanco-Maratita v. Borja*, 2017 MP 6 ¶ 24 (establishing a three-prong test).

A review of the Local Bill does not reveal any facial instances where the legislation would unduly or unreasonably interfere with a senatorial district's constitutional right to effectively establish

gambling. The Local Bill seeks to provide a system for the thorough regulation of gambling in the Second Senatorial District. However, as explained below the Local Bill has likely exceeded the permissible boundaries of the delegation's lawmaking authority as to enlisting Commonwealth officers and departments (including the Attorney General and the Department of Public Safety) to enforce the provisions of the Local Bill.

The following are comments on potential conflicts with the Commonwealth law, other legal issues and policy concerns expressed by the Attorney General for your consideration:

- “Section 4” of the local bill contains significant legislation, which purports to amend (in effect, repealing and replacing) that which was expressly “adopted and enacted” in Section 3 of the Local Bill. While strange, the delegation in an acting section 3 seemingly wanted to ratify the action of the Superior Court, whose authority to order the change in the prior gaming act (enacted by popular initiative) was questionable. Section 4 appears to be the enactment the delegation's wishes to be codified and will be treated as such. Comparisons are made between the Local Bill and the prior act (as it was amended by local laws, such laws having been repealed by Section 2 of the Local Bill. Major changes are noted.
- On page 5 Of the Local Bill, the term “adult” is defined as any person 18 years or older. The present definition defines an adult as any person 21 years or older. See 10 CMC § 2512(a). While not a legal issue, there may be policy issues to consider (see policy section below). Also on page 5, the term “casino employee” is slightly enlarged from its present definition. This change poses no legal our policy concerns.
- On page 6 of the local Bill, the definition of “casino key employee” is expanded from its present definition to give the Commission more discretion to enlarge the definition of key employees. Compare with 10 CMC § 2512(h) Also on page 6, the definition of “casino license” is expanded to include “conditional or plenary” licenses. None of the changes poses a legal issue. The attorney general, however, notes that the “or” on line 17 should read “of” to match the present language of 10 CMC §§ 2512(j).
- On page 11, the definition of “Household” is removed. These changes pose no legal or policy concerns. Also on page 11, definitions for “Internet gaming”, “Internet gaming operator” and “Investigation fee” are added. Additionally, on pages 11–12, the definitions of the various “Junket” words, while not changed from the present act, reference actions that occur “within the Commonwealth.” This may overstep the jurisdiction of the TCGCC, but should not be legally fatal if the TCGCC does not overstep the authority of the other casino commissions in the CNMI.
- On page 13, in the definition of “person” on line 9, the word “anybody” should read “any body”. This clear mistake will likely be corrected by the Law Revision Commission.

- On page 15, the definition of “security” on line 15, the word “right” likely should read “rights.” Again, this likely mistake will probably be fixed by the Law Revision Commission.
- On page 17, line 7, the word “five” is missing from the words “of members” as it exists in the present 10 CMC § 2521(a). This change may be intentional to allow the operation of the TCGCC should one member slot be vacant. It may, however, allow the appointment of more than five members, so it is difficult to tell whether the omission of the “five” was intentional. This may require further study and consideration.
- On page 18, line 5, the phrase “conflict of interest” is added as criteria which the mayor may use to remove a member of the TCGCC. This phrase is vague and, as such, greatly expand the power of the mayor to remove commission members. This adds the potential to inject politics to a supposedly apolitical body, and may require further study and consideration. Also on page 18, subsection (e) is greatly changed from the current 10 CMC § 2521(e). Presently, a replacement commissioner serves only the remaining term of the member he replaces. The Local Bill takes the opposite approach and gives the new member a for six-year term (See lines 20-21). This may require further study from a policy perspective.
- On page 19, line 17 the Local Bill states that members’ salaries Will be approved by the delegation through appropriation. This changes the present 10 CMC § 2521(g) which requires approval from the municipal council. The holdover term for members is reduced from 120 days in the present law to 60 days in the Local Bill. These changes pose no legal or policy concerns. Further, the guaranteed \$50,000 in the present 10 CMC 2521(g) is removed, which itself is legally unobjectionable, but may be in advertently done, as the following language online 19 remains “... if he receives the minimum salary specified here in.” Again, no minimum salary is specified. This may require further study.
- On page 23, line 8, the word “cause” is not defined. It should be defined to provide whatever security the legislative delegation requires, but should include flexibility to allow terminations for financial necessity. This may require further study and review. Also, on page 23, the present requirement that 4 members are required to grant a license, see 10 CMC § 2521(p)(4) is reduced to a simple majority of the commission (presumably, though not necessarily, three members). This may require further analysis from a policy perspective, especially when one considers that the limiting number five was removed from page 17 line 7 (see above discussion). Finally, on page 23 lines 22–23, the Local Bill makes clear that the quorum requirements apply to hearings held pursuant to 10 CMC 25146(d).
- On pages 24-26, the availability of information to the public of information held by the Commission is discussed. This language very closely copies the provisions governing the Commonwealth Casino Commission, See 4 CMC § 2314(i) and is in the present version of the Revised Gaming Act. See 10 CMC § 2521(q)(4)-(8). As the Local Bill is just a local bill, it likely cannot change the requirements of the Open Government Act, unlike the provisions affecting the CCC, which being Commonwealth law, can amend the OGA. This is an instance where *Blanco-Maratita v. Borja*’s “three pronged test” may be applicable if

the TCGCC is a “Public agency” as defined by 1 CMC 9902(e)(3). Further study is advisable.

- Page 32 section 6 may be overbroad as to patrons. Further review is advisable.
- On page 33 subsections (f) and (g), it is legally questionable if a local law can name TCGCC staff “peace officers of the Commonwealth” given that TCGCC is not a Commonwealth entity. Also on page 33, Sections (h) and (a) are added notwithstanding that the Attorney General’s prosecutorial authority is limited to criminal conduct as provided under Title 6 of the Commonwealth Code and other Commonwealth law. See NMI Const. Art. III, § 11. Likewise, subsection (i) cannot legally authorized to Commonwealth Department of Public Safety to delegate its police powers to TCGCC staff who are employees of a municipal government.
- Page 34 lines 11-19 regarding internet gaming needs further review. The portion which requires an Internet gaming licensee to have a “hotel” is legally unobjectionable, as is the requirement of geo-fencing which limits Internet gaming to “intra-island borders of the second senatorial district.” The portion which purports to allow Internet gaming “between jurisdiction where the conduct of Internet gaming is legal” may violate federal law. See *State of California v. Iipay Nation of Santa Ysabel*, 890 F. 3d 960 n.15 (9th Cir. 2018) (“We take no position on whether Iipay would violate the UIGEA by excepting DRB bets or wagers exclusively from patrons located in jurisdictions where bingo is legal.”)
- Page 39 line 21 is an error. The language of the present statute, 10 CMC 2541(a) reads, in pertinent part “...a casino licensee may, subject to the prior approval of the commission, lease to another person.” The Local Bill reads (erroneously) “...a casino license may be subject to the prior approval of the commission, when he leases to another person.” Remedial legislation to fix the error is recommended, should it be enacted in its present form.
- Page 55 subsection (d) is removed from 10 CMC § 2561. This deletion poses no legal concerns unless the intent is to allow casino licensees to contract with minors, in which case legal and policy concerns would exist.
- Page 68 line 12. Subsection (g) prohibits the commission from penalizing any person which has not applied for a license or registration required by 10 CMC § 2571(c), which diminishes the authority of the requirements of 10 CMC § 2571(c). This section may require further consideration.
- Page 70 lines 6–15 create a new section, which allows slot machine manufacturers to split revenues/profit if allowed by the TCGCC. If the manufacturer is reputable, this addition would not pose any legal or policy concerns.
- Pages 72–75 concerning taxes and fees which are clearly the purview of the Commonwealth Legislature and not the legislative delegations. The Office of the Attorney General notes that the tax and fee amounts have been changed.

- On page 76, The Local Bill seems to delete present 10 CMC § 2577. The section authorizes the TCGCC to file civil action to collect fees, interest, civil penalty, penalty or taxes. The repeal of section 2577 deprives TCGCC of an important enforcement tool and its repeal maybe unwise.
- Page 78 requires slightly varies TCGCC's approvals relating to the casino operating hours from the present 10 CMC § 2581.
- Page 84 lines 15–16 mirror language in the present Revised Act (See 10 CMC § 2585(i)(2)) which prohibits casino employees from receiving tips. This poses no legal concerns. However, page 84 also allows credit wagers, the issuance of credit to junkets, and credit card/cash transactions which is a departure from the present 10 CMC § 2586(a). This change may raise problem gambling issues and should be evaluated whether it is sound policy to allow such transactions.
- Page 88 deletes subsection (b)(3)-(6) and (c) of 10 CMC § 2591. These changes eliminate the reporting requirement imposed on the licensee pertaining to expense and overhead schedules, complementary services, salary arrangements and personnel practice. Further, the licensee will no longer be required to provide job descriptions and the system of organizing personnel and chain of command authority to show diversity of responsibility among employees engaged in casino operations and identify primary and secondary supervisory positions for areas of responsibility. The repeal of the foregoing provisions raises significant policy issues.
- Page 92 adds compliance with 12 U.S.C. § 3401 to the section on banking. Although the change poses no policy concerns, 12 U.S.C. §3404(a)(1) states that the authorization is only valid for three months. Further study of the issue is advised.
- Page 100 lines 3-13 appears overbroad and legally deficient in any place other than a casino or establishment licensed by the TCGCC. Insofar as it purports to allow searches and seizures on private property not so licensed, it may be problematic. Further study of this section is advised.
- Page 101 lines 1-12 is problematic in that it authorizes TCGCC staff to “deputize” others to assist in inspections, searches, seizures, etc. This may be legally problematic and raises substantial policy concerns.
- Page 102-103 lines 16 thru 4 (on Page 103). It is highly questionable whether the local delegation has the authority to require a bank to provide any information. This provision exceeds the authority of the legislative delegation and is legally problematic.
- Page 104 line 20 copies verbatim the present 10 CMC § 25101(a). It reads “Save as is provided in this Article, no person has a right against a casino operator.” This attempt at blanket immunity from liability is likely overbroad, and likely ineffective as so far as it purports to contravene CNMI or federal law.

- Pages 106-107 lines 04-04 changes, from the present 10 CMC §§25103 and 25104, “Commonwealth Director of Public Safety” to “Resident Department Head of the Department of Public Safety.”
- Pages 111-113 deal with minors in the casinos in Tinian. This portion of the Local Bill lowers the age of persons permitted to enter the casino establishment to 18 years old. This change raised substantial policy issues.
- Pages 113-114 lines 17-09 mirror the present 10 CMC §§ 25111-12 concerning cheating and unlawful equipment. These prohibitions are vague and will require, at a minimum clarification by the TCGCC regulations.
- The enforcement provisions in Pages 113-123 are legally problematic and is highlighted by Section 25175 which states that no liability shall be incurred by the Commonwealth and the Commonwealth Department of Public Safety, along with other municipal government entities. The legislative delegation lacks any lawmaking authority to enact such a provision. Furthermore, notwithstanding the offenses listed in the Local Bill, criminal prosecution of any crime will proceed under the Commonwealth Criminal Code found in Title 6 or any other applicable provision of the Commonwealth law. The enforcement provisions ostensibly do not take into account that the distinction of Tinian as a political subdivision and a chartered municipality subject to liability separate and apart from the Commonwealth government which has sovereign immunity.
- Page 125 lines 6-13 purports to set aside the provisions of the Administrative Procedure Act to allow temporary amendments to Rules. This appears to be ultra vires and is legally problematic.
- Page 128 insofar as lines 16-17 purports to allow the TCGCC to avoid regulations by the Commonwealth Alcoholic Beverage Control Board, it is ultra vires and legally objectionable.

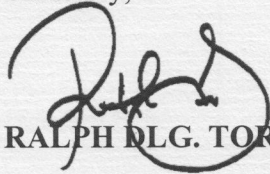
As stated, the Delegation has likely exceeded its lawmaking authority with respect to its enforcement provisions. The language in the bill appear to override Commonwealth law concerning criminal prosecution, the promulgation of rules and regulations, and alcoholic beverage and tobacco controls. The delegation must be mindful that it cannot, by local law, direct Commonwealth officers to perform their respective duties and responsibilities in contravention of their authority provided under the Constitution or Commonwealth statutes. Also, the municipality of Tinian and its officers and employees lack immunity from prosecution, unlike the Commonwealth and its departments and agencies. Thus, allowing TCGCC staff to “deputize” others to assist in inspections, searches, and seizure raises the proverbial red flag and may expose the municipality to lawsuits in the future.

The Local Bill also presents policy changes that warrant measured consideration. Lowering the age of persons who may be present in Tinian casinos from 21 year olds to 18 is a significant departure from the original act. The mayor will have greater power to remove commission

members under a vague usage of the phrase “conflict of interest.” Given the realities of the Tinian demographics, this expanded authority adds the potential of injecting politics to a supposedly apolitical body.

Please take note of these recommendations and consider amending the legislation to address some of these underlying issues. This bill becomes **Tinian Local Law No. 21-9**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES

cc: Lt. Governor; Press Secretary; Attorney General's Office; Secretary of Finance; Office of Public Auditor; Tinian Mayor's Office; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



**TINIAN & AGUIGUAN LEGISLATIVE DELEGATION
SECOND SENATORIAL DISTRICT
TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SECOND REGULAR SESSION, 2019**

HOUSE LOCAL BILL NO. 21-38, D1

**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.

Offered by

Representative Antonio SN. Borja

on December 10, 2019

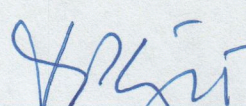
HOUSE ACTION

Transmitted to Tinian & Aguiguan Legislative Delegation for action on

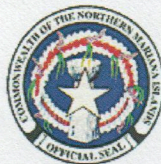
December 30, 2019

DELEGATION ACTION

Referred to:	None
Comments Solicited:	12/30/19 - Mayor of Tinian & Aguiguan and Chairman, 17th Tinian & Aguiguan Municipal Council 01/08/2020 – Attorney General Manibusan and Chairman, TCGCC (Tinian Casino Gaming Control Commission)
Comments Received:	2/21/2020 – Chairman, TCGCC [Ref. Misc. Comm. 21-11]
Standing Committee Report:	None
Passed First & Final Reading:	February 24, 2020 [as Draft 1]



Frances Joan P. Kaipat
Delegation Clerk



**TINIAN & AGUIGUAN LEGISLATIVE DELEGATION
TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

SECOND REGULAR SESSION, 2019

HOUSE LOCAL BILL NO. 21-38, D1

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**BE IT ENACTED BY THE SECOND SENATORIAL DISTRICT DELEGATION PURSUANT
TO CHAPTER 4, DIVISION 1, TITLE 1 OF THE COMMONWEALTH CODE:**

SECTION 1. FINDINGS AND PURPOSE.

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

The Tinian Legislative Delegation further finds that in 1991, the Commonwealth government filed an action challenging provisions in the act and certain regulations adopted by the Casino Gaming Control Commission on the basis that they violated Commonwealth-wide laws. Following hearings, the CNMI Superior Court issued a decision denying most of the government's claims. On appeal, the CNMI Supreme Court vacated the judgment and remanded the case for a new hearing; the CNMI Superior Court was instructed to apply a newly-formulated test in determining the legality of the challenged provisions. *Commonwealth*

1 v. *Tinian Casino Gaming Control Comm'n*, 3 N.M.I. 134 (1992). On remand, the CNMI
2 Superior Court upheld some of the challenged provisions in the act but accepted claims that
3 others violated Commonwealth-wide law.

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

11 On August 18, 1993, the CNMI Superior Court issued an order approving and adopting
12 a revised act known as the "Revised Tinian Casino Gaming Control Act of 1989." (Revised
13 Act) See *Commonwealth v. Tinian Casino Gaming Control Comm'n*, Civ. No. 91-0690 (N.M.I.
14 Super. Ct. Aug. 18, 1993) (Order Approving and Adopting the Revised Tinian Casino Gaming
15 Control Act of 1989). The CNMI Superior Court ordered that the "Revised Tinian Casino
16 Gaming Control Act of 1989" be, and is, deemed in full force and affect after April 18, 1993.
17 The CNMI Superior Court further ordered that the "Revised Tinian Casino Gaming Control
18 Act of 1989 (Section 1 thru 126 inclusive at pages 1-99 attached hereto)" be published in its
19 entirety in the Commonwealth Code, superseding and replacing the existing Tinian Casino
20 Gaming Control Act of 1989 currently published and codified at 10 CMC Ch. 6, Div. 2 (10
21 CMC § 2511 through 10 CMC § 3126 inclusive); with the CNMI Law Revision Commission
22 renumbering the Revised Tinian Casino Gaming Control Act of 1989 ("Revised Act").

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

13 The Tinian Legislative Delegation finds that subsequent to the CNMI Superior Court's
14 order of August 18, 1993, the "Revised Act" became operative and governed the actions and
15 conduct of the Tinian Casino Gaming Control Commission, the casino operators, the casino
16 industry in Tinian as well as the Tinian Legislative Delegation. Subsequently, the Tinian
17 Legislative Delegation enacted several local laws amending certain provisions of the "Revised
18 Act." However, litigation was initiated in 2004 and in 2015 in the CNMI Superior Court,
19 among other issues, to determine whether or not the Tinian & Guiuan Legislative Delegation
20 has the authority to amend the "Revised Act. "In August 2017, the CNMI Supreme Court held
21 that pursuant to Article II, Section 6 of the NMI Constitution and the Local Law Act of 1983, a
22 delegation may regulate gambling, including amending a gambling law enacted by local

1 initiative, and Article XXI does not impose a contrary prohibition. *See Blanco-Maratita v.*
2 *Borja*, 2017 MP 6 (Aug. 22, 2017) (Slip Opinion at ¶ 38).

3 The Tinian Legislative Delegation finds that based on the CNMI Supreme Court's
4 decision in *Blanco-Maratita v. Borja*, it is necessary and long overdue to codify the "Revised
5 Tinian Casino Gaming Control Act of 1989" as approved and adopted by the CNMI Superior
6 Court in August 18, 1993 including the amendments to "Revised Act" as enacted by Tinian
7 Local Laws 14-1, 18-5, 19-12 and 20-5. Accordingly, the purpose of this legislation is to enact
8 the "Revised Tinian Casino Gaming Control Act of 1989" including the amendments
9 established by Tinian Local Laws 14-1, 18-5, 19-12 and 20-5 and additional amendments
10 necessary to enhance Tinian's gaming industry.

11 **SECTION 2. REPEALER.**

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

13 **SECTION 3. ENACTMENT OF THE REVISED TINIAN CASINO GAMING**
14 **CONTROL ACT OF 1989.**

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

19 **SECTION 4. AMENDMENT TO THE REVISED TINIAN CASINO GAMING**
20 **CONTROL ACT OF 1989.**

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

1 **“Chapter 6. Casino Gambling.**

2 **Article 1. General Provisions.**

3 **§ 2511. Short Title.** This chapter may be cited as the Revised Tinian Casino Gaming
4 Control Act of 1989.

5 **§ 2512. Commencement.** This chapter shall commence on April 18, 1993.

6 **§ 2513. Definitions.** In this chapter, unless the contrary intention appears:

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

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

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

13 (d) “Attorney General” means the Attorney General of the Commonwealth of the
14 Northern Mariana Islands.

15 (e) “Casino” means those areas of a hotel-casino complex identified in a casino license
16 as the areas constituting the casino in a particular case. Without limiting the generality or scope
17 of the foregoing, the term includes where so identified not only areas for the conduct and
18 playing of games but also areas for money counting, surveillance, accounting, storage and
19 other activities related to the operation and functioning of the casino.

20 (f) “Casino employee” means any natural person employed in the operation of a
21 licensed casino, including, without limitation, boxing, dealers or croupiers, floormen machine
22 mechanics, pit bosses, casino security employees, count room personnel, cage personnel, slot
23 machine and slot booth personnel, collection personnel, casino surveillance personnel, and data

1 processing personnel, or any other natural person whose employment duties require or
2 authorize access to restricted casino areas.

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

8 (h) "Casino key employee" means any person employed or working in a casino in a
9 managerial capacity or who is empowered to make decisions, involving the exercise of his
10 discretion, that regulate the operation of a casino or who is so designated by the Tinian Casino
11 Gaming Control Commission.;

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

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

19 (k) "Casino licensee" means the holder for the time being of a casino license. The term
20 includes a person referred to in this Act as a casino licensee who, while not at the material time
21 the holder of a casino license, is a person to whom it is proposed to grant a casino license under
22 and in accordance with an agreement as referred to in 10 CMC § 2532.

1 (l) "Casino management agreement" means a written agreement approved by the Tinian
2 Casino Gaming Control Commission under which the casino license or the lessee under a
3 casino lease agrees with the other party to the agreement for the management by that other
4 party of the hotel-casino complex or the casino, as the case may be.

5 (m) "Casino operator" means:

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

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

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

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

14 (4) in the case of paragraph (1) of this subsection, while not at the material time
15 a casino licensee, is a person to whom it is proposed to grant a casino license under and
16 in accordance with an agreement as referred to in 10 CMC § 2532.

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

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

22 (n) "Casino Service Industry" means a vendor supplying goods or services to a casino
23 regardless of whether the goods or services are directly related to casino or gaming activity;

1 provided that a vendor supplying goods or services which are not directly related to casino or
2 gaming activity shall not be considered a casino service industry unless it conducts regular or
3 continuing business with a casino as prescribed by regulation.

4 (o) "Chips" means any tokens used or capable of being used in a casino in the conduct
5 of gaming in the place of money and approved for the purpose by the Tinian Casino Gaming
6 Control Commission.

7 (p) "Commission officer" or "employee" means any person appointed as a member, an
8 officer or employee of the Tinian Casino Gaming Control Commission whose duties and
9 responsibilities are related to or are in support of the effectual administration of this chapter.

10 (q) "Commonwealth" means the Commonwealth of the Northern Mariana Islands.

11 (r) "Communications technology" means any method used and the components
12 employed by an establishment to facilitate the transmission of information, including, without
13 limitation, transmission and reception by systems based on wire, cable, radio, microwave,
14 light, optics or computer data networks, including, without limitation, the Internet and
15 intranets.

16 (s) "Complimentary service or item" means a service or item provided at no cost or at a
17 reduced price. The furnishing of a complimentary service or item by a casino licensee shall be
18 deemed to constitute the indirect payment for the service or item by the casino licensee, and
19 shall be valued in an amount based upon the retail price normally charged by the casino
20 licensee for the service or item. The value of a complimentary service or item not normally
21 offered for sale by a casino licensee or provided by a third party on behalf of a casino licensee
22 shall be the cost to the casino licensee of providing the service or item, as determined in
23 accordance with the rules of the Commission.

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

4 (u) "Council" means the Tinian Municipal Council or Tinian & Aguiguan Municipal
5 Council.

6 (v) "Creditor" means the holder of any claim, of whatever character, against a person,
7 whether secured or unsecured, matured or unmatured, liquidated or unliquidated, absolute,
8 fixed or contingent.

9 (w) "Deputy Director" means the Deputy Director of the Tinian Casino Gaming
10 Control Commission.

11 (x) "Division" or "Enforcement Division" means the Division of Enforcement under
12 the Commission referred to in 10 CMC § 2530.

13 (y) "Executive Director" means the Executive Director of the Tinian Casino Gaming
14 Control Commission.

15 (z) "Financial year" means the period of 12 months ending on 30 September in any
16 year or, where the Tinian Casino Gaming Control Commission approves some other date as the
17 terminating date of a financial year in a particular case, the period of 12 months ending on the
18 date so approved. The term includes, where the Tinian Casino Gaming Control Commission
19 approves some other date aforesaid, a period longer or shorter than 12 months but not
20 exceeding 18 months ending on the date so approved for the purpose of giving effect to an
21 alteration to the terminating date in a particular case.

1 (aa) "Game" means any game specified in a publication, together with an account of
2 the rules for the playing thereof, by the Tinian Casino Gaming Control Commission as a game
3 that may be conducted or played in a casino pursuant to a casino license.

4 (bb) "Gaming" or "gambling" means the playing in a casino of any game.

5 (cc) "Gaming equipment" means any electronic, electrical or mechanical contrivance or
6 machine or any other physical item (excluding chips) used or for use in casino in connection
7 with gaming.

8 (dd) "Hotel" or "approved hotel" means building containing a minimum of 200
9 sleeping units, each of which shall contain at least 325 square feet measured to the center of
10 perimeter walls, including bathroom and closet space and excluding hallways, balconies and
11 lounges, each containing private bathroom facilities, and each held available and used regularly
12 for the lodging of tourists and guests and conforming in all respects to the agreement referred
13 to in 10 CMC § 2532. In no event shall the main entrance or only access to an approved hotel
14 be through a casino.

15 (ee) "Hotel-casino complex" means a hotel established within the area of which is a
16 casino and other business or amenities identified in an agreement referred to in 10 CMC §
17 2532.

18 (ff) "Holding company" means any corporation, association, firm, partnership, trust or
19 other form of business organization not a natural person which, directly or indirectly, owns,
20 has the power or right to control, or has the power to vote any significant part of the
21 outstanding voting securities of a corporation which holds or applies for a casino license. For
22 the purpose of this chapter, addition to any other reasonable meaning of the words used, a
23 "holding company" indirectly has, holds or owns any such power, right or security if it does so

1 through any interest in a subsidiary or successive subsidiaries, however many such subsidiaries
2 may intervene between the holding company and the corporate licensee or applicant.

3 (gg) “Inspector” means:

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

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

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

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

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

16 (ii) “Internet gaming operator” means a casino licensee permitted under the act and the
17 regulations to operate an internet gaming system.

18 (jj) “Investigation fee” means any moneys required by law to be paid to investigate the
19 applicant and any related or associated person or entity as the TCGCC determines is necessary
20 to protect the public interest.

21 (kk) “Junket” means an arrangement for the purpose of which is to induce any person,
22 selected or approved for participation therein on the basis of his ability to satisfy a financial
23 qualification obligation related to his ability or willingness to gamble or on any other basis

1 related to his propensity to gamble, to come to a licensed casino hotel for the purpose of
2 gambling and pursuant to which, and as consideration for which, any or all of the cost of
3 transportation, food, lodging, and entertainment for said person is directly or indirectly paid by
4 a casino licensee or employee or agent thereof.

5 (ll) "Junket enterprise" means any person who employs or otherwise engages the
6 services of a junket representative in connection with a junket to a licensed casino, regardless
7 of whether or not those activities occur within the Commonwealth.

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

12 (nn) "License" means a plenary or conditional gaming license, manufacturer's or
13 distributor's license.

14 (oo) "License fees" means any moneys required by law to be paid to obtain or renew a
15 plenary or conditional gaming license, manufacturer's or distributors license. The term
16 "license fees" shall include any other types of fees imposed by the TCGCC, not expressly
17 identified or defined herein, which is assessed as a matter of course in the conduct of
18 effectuating this chapter.

19 (pp) "Licensee" means any person to whom a valid plenary or conditional gaming
20 license, manufacturer's or distributor's license has been issued.

21 (qq) "Live training facility" means a temporary gaming facility which is approved by
22 TCGCC and is described in a conditional license agreement between the licensee and TCGCC.

1 The main purpose of a live training facility shall be to train and prepare staff for future plenary
2 license operations of an approved casino.

3 (rr) "Mayor" means the Mayor of Tinian and Aguiguan.

4 (ss) "Member of the police force" means member of the Department of Public Safety of
5 the Commonwealth of the Northern Marianas.

6 (tt) "Municipality" means the Municipality of Tinian and Aguiguan in the Second
7 Senatorial District, Commonwealth of the Northern Mariana Islands.

8 (uu) "Operation" means the conduct of gaming.

9 (vv) "Person" includes anybody corporate, association, firm, business, or partnership as
10 well as a natural person.

11 (ww) "Plenary license" means a casino license granted to an applicant who has met all
12 the licensure requirements as required under this chapter.

13 (xx) "Premium player" means a patron of a casino who opens a deposit account with
14 the casino operator with a credit balance of not less than US \$20,000.00.

15 (yy) "Public interest or interest of the public" means public interest or the interest of the
16 public having regard to the creation and maintenance of public confidence and trust in the
17 credibility, integrity and stability of casino operations.

18 (zz) "Property" means real property, tangible and intangible personal property, and
19 rights, claims and franchises of every nature.

20 (aaa) "Publicly traded corporation" means any corporation or other legal entity, except
21 a natural person, which:

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

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

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

7 (bbb) "Quarter" or "quarter of the year" means a period of three consecutive months
8 commencing on the first day of January, April, July or October in any year.

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

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

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

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

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

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

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

16 (fff) “Subsidiary” means:

17 (1) Any corporation, any significant part of whose outstanding equity securities
18 are owned, subject to a power or right of control, or held with power to vote, by a
19 holding company or any intermediary company; or

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

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

5 (hhh) "Tinian Casino Gaming Control Commission" or "Commission" or "TCGCC"
6 means the regulatory body referred to in 10 CMC § 2521.

7 (iii) "Transfer" means the sale and every other method, direct or indirect, of disposing
8 of or parting with property or with an interest therein, or with the possession thereof, or of
9 fixing a lien upon property or upon an interest therein, absolutely or conditionally, voluntarily
10 or involuntarily, by or without judicial proceedings, as a conveyance, sale, payment, pledge,
11 mortgage, lien, encumbrance, gift, security or otherwise; the retention of a security interest in
12 property delivered to a corporation shall be deemed a transfer suffered by such corporation.

13 **§ 2514. Rules of Construction.**

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

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

17 (2) Words in the masculine shall include the feminine and neutral genders.

18 (3) Words in the singular shall include the plural and the plural shall include the
19 singular.

20 (b) A reference in this chapter to "casino operation" or "operation of a casino" or to a
21 like expression in relation to a casino is a reference to the operation and conduct in respect of a
22 casino of:

23 (1) gaming; and

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

4 **Article 2. Administration.**

5 **§ 2521. Tinian Casino Gaming Control Commission.**

6 (a) There is hereby established a Tinian Casino Gaming Control Commission charged
7 with the administration of this chapter. The Commission shall be composed of members to be
8 appointed by the Mayor with the advice and consent of the Tinian Municipal Council. The
9 commissioners shall serve a term of six years except that upon the first five appointments, two
10 shall serve six-year terms, two shall serve five-year terms, and one shall serve a four-year term,
11 to be determined by drawing of lots by the members after their confirmation. A person shall
12 not serve more than one term as commissioner.

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

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

21 (1) it has confirmed the appointee; or

22 (2) it has rejected the appointee.

1 (d) An appointed member may at any time resign his office by notice in writing to the
2 Mayor. Upon resignation, removal or expiration of the term of appointment, the member shall
3 cease to sit on the Commission and shall not be included in a quorum count. Removal of a
4 commissioner before the expiration of his term shall occur only by the Mayor and on grounds
5 of gross neglect or dereliction of duty, conflict of interest, conviction of a misdemeanor or
6 felony, or mental or physical incapacity, except that upon conviction of any felony or upon the
7 finding of a violation under this chapter, the Commissioner shall lose his position
8 automatically. Removal may be made after:

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

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

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

19 (e) Vacancy in the Commission shall be filled in the same manner as in the original
20 appointment upon which the member shall serve one six-year term beginning on the date of his
21 or her confirmation. This subsection shall apply to the current and future members of the
22 Commission. Each member of the Commission shall serve for the duration of his or her term

1 and until his or her successor is duly appointed and qualified, but no commissioner shall serve
2 more than 60 days after his or her term expires.

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

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

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

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

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

10 (5) must be of good moral character.

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

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

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

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

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

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

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

20 (6) To be present through its inspectors and agents during the operation of any
21 casino for the purpose of certifying the revenue thereof, receiving complaints from the
22 public, and conducting such investigations into the conduct of the games and the

1 maintenance of the equipment as from time to time the Commission may deem
2 necessary and proper; and

3 (7) Demand access to and inspect, examine, photocopy and audit all papers,
4 books and records of applicants and licensees, on their premises, or elsewhere as
5 practicable, and in the presence of the licensee or his agent, respecting the gross income
6 produced by any gaming business, and require verification of income, including an
7 audit of required table game and slot accounting systems, and all other matters affecting
8 the enforcement of the policy or any of the provisions of this section;

9 (8) To review and rule upon any complaint by a casino licensee regarding any
10 investigative procedures of the Division which are unnecessarily disruptive of casino
11 operations. The need to inspect and investigate shall be presumed at all times. The
12 disruption of licensee's operations shall be proved by clear and convincing evidence,
13 and establish that:

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

15 (ii) the procedures were so disruptive as to inhibit unreasonably casino
16 operations.

17 (i) Denials and Sanctions. The Commission shall assure, to the extent required by this
18 chapter, that licenses, approvals, certificates, or permits shall not be issued to nor held by, nor
19 shall there be any material involvement, directly or indirectly, with the licensed casino
20 operation or the ownership thereof by, unqualified or disqualified person or persons whose
21 operations are conducted in a manner not conforming with the provisions of this chapter. In
22 enforcing the provisions of this chapter, the Commission shall have the power and authority to
23 deny any application; limit or restrict any license, registration, certificate, permit or approval;

1 suspend or revoke any license, registration, certificate, permit or approval; and impose a
2 penalty on any person licensed, registered, or previously approved for any cause deemed
3 reasonable by the Commission pursuant to rules and regulations promulgated thereby, except
4 that no such denial, limitation, suspension or revocation shall be issued solely by reason of the
5 fact that an applicant, registrant, or licensee holds an interest in or is associated with any
6 licensed casino enterprise in any other jurisdiction.

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

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

20 (l) Officers of the Commission. The Commission shall appoint as officers an Executive
21 Director, a Deputy Director, inspectors and other employees as deemed necessary for the
22 effectual administration of this chapter. The Executive Director and Deputy Director are, ex
23 officio, inspectors for the purposes of this chapter.

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

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

9 (o) Meetings and Quorum.

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

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

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

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

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

23 (p) Minutes and records.

1 (1) The Commission shall cause to be made and kept a verbatim record of all
2 proceedings held at public meetings of the Commission, which record shall be open to
3 public inspection. A true copy of the minutes of every meeting of the Commission and
4 of any regulations finally adopted by the Commission shall be forthwith delivered, by
5 and under the certification of the chairman, to the Mayor of Tinian and Aguiguan and
6 Tinian Municipal Council.

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

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

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

22 (5) All information and data pertaining to an applicant's criminal record, family,
23 and background furnished to or obtained by the Commission from any source shall be

1 considered confidential and shall be withheld in whole or in part, except that any
2 information shall be released upon the lawful order of a court of competent jurisdiction
3 or, with the approval of the Attorney General, to a duly authorized law enforcement
4 agency.

5 (6) Notice of the contents of any information or data released, except to a duly
6 authorized law enforcement agency pursuant to paragraph (4) or (5) of this subsection,
7 shall be given to any applicant, registrant, or licensee in a manner prescribed by the
8 rules and regulations adopted by the Commission.

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

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

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

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

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

20 (D) the dollar amount ultimately uncollected, after all reasonable
21 efforts.

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

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

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

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

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

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

15 **§ 2522. Good repute of persons appointed as inspectors.**

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

20 **§ 2523. Executive Director to organize work of Commission.**

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

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

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

8 **§ 2525. Illness or absence of the Executive Director and Deputy Director.**

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

15 **§ 2526. Power of delegation.**

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

19 (1) to a particular person; or

20 (2) to the holder of an office specifying the office but without naming the holder

21 all or any of his powers or functions under this chapter (other than this power of
22 delegation).

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

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

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

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

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

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

16 **§ 2527. Police assistance.**

17 (a) Arrangements may be made between the Commission and the Department of Public
18 Safety Tinian with respect to:

- 19 (1) the rendering of assistance by the members of the police force;
20 (2) the supply of information contained in the records of the Police Division;
21 (3) the making available of other resources and facilities of the Police Division
22 to the Executive Director and other officers of the Commission for the purposes of the
23 effectual administration of the chapter.

1 (b) The Resident Department Head of the Department of Public Safety Tinian shall
2 have the right to exercise his discretion as to those matters recited in the preceding section.

3 **§ 2528. Secrecy.**

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

6 (b) An officer or an employee of the Commission so bound to secrecy shall preserve
7 and assist in preserving secrecy with regard to all matters that come to his knowledge in his
8 official capacity in connection with the administration of this chapter and shall not
9 communicate any such matter to any person save in the exercise of his powers or performance
10 of his duties under this chapter.

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

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

20 **§ 2529. Identification of inspectors, etc.**

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

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

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

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

13 **§ 2530. Division of Enforcement.**

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

17 (b) Powers and Duties

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

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

3 (2) The Division shall:

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

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

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

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

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

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

17 (c) The Division shall refer for prosecution all criminal violations of this chapter to the
18 Attorney General. The Division and its employees and agents shall have such law enforcement
19 powers provided under this chapter and as may be delegated to it by the Attorney General to
20 effectuate the purposes of this chapter.

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

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

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

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

8 (4) To inspect, examine and audit all books, records, and documents pertaining
9 to a casino licensee's operation, including required table game and slot accounting
10 systems.

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

14 (6) To inspect the person, and personal effects present in a casino facility
15 licensed under this chapter, or any holder of a license or registration issued pursuant to
16 this chapter while that person is present in a licensed casino facility.

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

21 (f) The Division may investigate, for the purpose of prosecution, any suspected
22 violation of the provisions of this chapter or of any criminal activity engaged in on the casino
23 premises. For the purposes of the administration and enforcement of this chapter, so far as it

1 involves crimes against the property of gaming licensees, the Commission, the Division and
2 the executive, supervisory and investigative personnel of both the Commission and the
3 Division have the powers of a peace officer of the Commonwealth.

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

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

12 (i) The Commission and its employees shall exercise police powers against non-
13 licensees or applicants only to the extent that such “police powers” or “powers of a peace
14 officer” have been specifically delegated by the Commonwealth Department of Public Safety.
15 The Commission shall refer to the Office of the Attorney General all requests for prosecutions
16 of violations of the criminal code of the CNMI. The Attorney General’s office shall then
17 review and evaluate the referral and independently determine whether criminal prosecution
18 should be undertaken. Neither the Commission or its employees shall undertake warrantless
19 searches of non-licensees unless such search is otherwise permitted by law and shall conduct a
20 warrantless search of licensees only pursuant to a waiver of rights given by the licensee to the
21 Commission or its employees.

22 **Article 3. Casino Licenses.**

23 **§ 2531. Grant of casino licenses.** Notwithstanding any other law to the contrary:

1 (a) the Commission may grant not more than five casino licenses for a period not to
2 exceed forty (40) years which shall not be transferable, except as proscribed in this chapter,
3 provided that no casino licenses shall be authorized within the vicinity of any church or school.
4 The commission may grant a casino license while hotel-casino complex is being built in
5 phases, in accordance with 10 CMC § 2513(ee).

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

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

11 (d) the conduct of internet gaming pursuant to a casino license, in accordance with this
12 chapter and any other applicable Act, the regulations established by the Commission to
13 regulate internet gaming and internet gaming operators, and the operating agreement relating to
14 the particular license permitting the conduct of internet gaming, is lawful. Operating internet
15 gaming is conditioned on having a hotel with two hundred (200) units which may be built in
16 phases of 100 units per phase as authorized by TCGCC and an operational Hotel-casino
17 complex casino and the implementation of a geolocation software limiting internet gaming
18 activities to within intra-island borders of the Second Senatorial District and between
19 jurisdictions where the conduct of internet gaming is legal.

20 **§ 2532. Agreement to precede grant of casino license.**

21 (a) Notwithstanding any other provision of this chapter, no casino license shall be
22 issued by the Tinian Casino Gaming Control Commission until and unless the Mayor of the
23 Municipality of Tinian and Aguiguan certifies that the casino's master plan conforms with

1 Commonwealth and Municipal laws relative to sewage treatment and infrastructure planning of
2 the casino(s). The Commission may grant a casino license pursuant to its power to do so under
3 10 CMC § 2531(a) where:

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

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

7 (ii) The Executive Director for and on behalf of the Commission and
8 some other person whom the Commission considers to be the appropriate
9 person to be a party to the agreement with a view to the issue of a casino license
10 to the casino licensee, identifying, within a hotel-casino complex or a proposed
11 hotel-casino complex the casino to be the subject of the license and containing
12 such terms and condition as the Commission thinks fit; and

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

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

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

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

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

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

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

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

4 **§ 2533. Suitability of casino licensee and other persons.**

5 (a) Prior to an agreement being entered into, the Commission shall cause to be
6 undertaken such investigations as are necessary to satisfy the Commission or shall require the
7 casino licensee and all persons whether natural persons or not associated or not associated or
8 connected or to be connected, in the opinion of the Executive Director, with the ownership,
9 administration or management of the operations or business of the casino licensee to satisfy the
10 Commission that such casino licensee and such persons as aforesaid are suitable persons to be
11 associated or connected with the management and operations of a hotel-casino complex or
12 casino having regard to the following matters appropriate to them respectively, that is to say:

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

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

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

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

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

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

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

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

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

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

19 (b) Nothing contained in subsection (a) of this section operates to require the
20 Commission to cause investigations to be undertaken or to require the casino licensee or other
21 persons referred to in that subsection to satisfy the Commission with respect to any matter
22 where such investigations have been undertaken or the casino licensee or any other person as
23 aforesaid has satisfied the Commission with respect to that matter pursuant to this chapter.

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

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

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

6 (ii) partnership;

7 (iii) limited partnership; or

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

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

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

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

16 **§ 2534. Hotel-casino complex owner as licensee.**

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

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

21 (b) Save in the case of an assignment as referred to in 10 CMC § 2545 and subject to
22 that section, a ground for cancellation or suspension of the casino license arises and shall be

1 taken to be a ground for cancellation or suspension arising pursuant to 10 CMC § 2544(a), if
2 the casino licensee ceases to be the owner as aforesaid.

3 **§ 2535. Casino license.**

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

6 (b) The license shall specify:

7 (1) the date of its issue;

8 (2) the name of the casino licensee;

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

11 (4) those areas constituting the casino; and

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

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

17 **§ 2536. Duration of casino license.**

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

20 **§ 2537. Lease of hotel-casino complex or of casino.**

21 (a) Subject to this chapter, a casino licensee may be subject to the prior approval of the
22 Commission, when he leases to another person:

23 (1) the hotel-casino complex; or

(2) the casino.

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

(c) The Executive Director may require the casino licensee or the proposed lessee to supply him such additional information or documents or other writings as he considers necessary to enable him to make a recommendation to the Commission.

§ 2538. Casino management agreement.

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

(1) the hotel-casino complex; or

(2) the casino.

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

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

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

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

(b) Nothing contained in subsection (a) of this section operates to require the Executive Director to cause investigations to be undertaken or to require a proposed lessee under a casino lease or a proposed casino operator under a casino management agreement or other persons referred to in that subsection to satisfy the Commission with respect to any matter where such investigations have been undertaken or a proposed lessee or proposed casino operator or any other person as aforesaid has satisfied the Commission with respect to that matter pursuant to this chapter.

§ 2540. Executive Director to make recommendation.

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

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

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

8 **§ 2541. Determination by the Commission concerning approval.**

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

11 (1) approve the application;

12 (2) refuse the application; or

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

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

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

19 **§ 2542. Variation of casino lease or casino management agreement.**

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

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

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

5 (1) approve the application;

6 (2) refuse the application; or

7 (3) defer a determination pending the submission of further information and the
8 provisions of 10 CMC §§ 2541(b) and (c) shall apply to an application under this section in all
9 respects as they apply to an application referred to 10 CMC § 2541.

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

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

14 **§ 2543. Investigations concerning continued suitability of casino licensee, etc.**

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

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

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

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

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

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

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

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

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

(1) is found in violation of this chapter;

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

4 (3) fails to comply with any term or condition of the agreement as referred to in
5 10 CMC § 2532 pursuant to which the casino license was granted, which term or
6 condition is binding on him;

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

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

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

21 (7) fails to discharge his financial commitments, becomes bankrupt or
22 compounds with his creditors or otherwise takes advantage of the laws in force for the
23 time being relating to bankruptcy or is the subject of winding up, either voluntarily or

1 pursuant to court order, appointment of a liquidator, appointment of a receiver or
2 receiver and manager or is placed under official management and an official manager
3 appointed pursuant to applicable provisions of the Commonwealth Code.

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

9 (1) the casino licensee; and

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

11 (3) in the case of a casino management agreement, the casino operator
12 thereunder;

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

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

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

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

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

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

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

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

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

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

21 (i) by notice in writing give to each of them the casino licensee, the
22 lessee and the casino operator or to any of them any direction that he considers

appropriate to ensure that any matter connected with or giving rise to the issue of the notice is rectified within a time specified in the notice; or

(ii) recommend to the Commission that the casino license be canceled or that it be suspended or that the casino lease or casino management agreement be terminated.

(i) If a direction given by the Executive Director pursuant to subsection (h)(3)(i) of this section is not complied with within the time specified in the notice, the Executive Director may recommend to the Commission that the casino license be canceled or that it be suspended or that the casino lease or casino management agreement be terminated.

(j) Where a ground for cancellation or suspension pursuant to subsection (a) of this section arises but the Executive Director is of the opinion that the chapter or omission or other thing constituting the ground is not of such a serious and fundamental nature that the integrity of the operation of the casino is jeopardized or the interest of the public is adversely affected, he may issue a letter of censure to each of them the casino licensee, the lessee and the casino operator as aforesaid or to any of them censuring them or him in respect of any matter connected with or giving rise to the ground for cancellation or suspension.

(k) Where the Executive Director makes a recommendation to the Commission, he shall submit therewith such notices to show cause and answers thereto, any submissions made in connection therewith and such other papers in his possession as are relevant to the recommendation.

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

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

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

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

12 (4) unless a receiver and manager has been appointed pursuant to 10
13 CMC § 2545, appoint an administrator who has been found qualified to the
14 standards of a casino key employee pursuant to 10 CMC § 2554, subject to such
15 terms and conditions as he thinks fit for the purposes as referred to in subsection
16 (n) of this section.

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

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

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

1 (2) conduct or cause to be conducted casino operations in accordance with this
2 chapter. The appointment as administrator shall be determined by the appointment of a
3 receiver and manager or an assignment of the casino license pursuant to 10 CMC §
4 2545.

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

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

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

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

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

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

22 (r) A suspension of a casino license shall, while it remains in force, have the same
23 effect as a cancellation of such license without prejudice to any penal or other liability actually

1 incurred by the casino licensee, a lessee under a casino lease or a casino operator under a
2 casino management agreement or to the exercise of the powers of the Executive Director, or
3 any inspector under this chapter.

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

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

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

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

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

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

16 **§ 2545. Mortgage and assignment of casino license, etc.**

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

18 (1) the casino license;

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

20 (3) the rights and benefits under the agreement in question as referred to in 10
21 CMC § 2539 without the prior consent of the Commission with a person approved by
22 the Commission (which person is hereafter in this section referred to as "the
23 mortgagee").

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

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

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

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

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

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

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

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

22 (e) Prior to any approval by the Commission pursuant to subsection (b) of this section,
23 the Executive Director shall cause to be undertaken such investigations as are necessary to

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

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

15 (f) Upon a casino license being assigned, the assignee is the casino licensee with
16 respect to the casino license in question, and the Executive Director shall cause the license to
17 be amended to show the name of the assignee, the date of the assignment and such other
18 particulars as may be prescribed; and the license shall be made available to the Executive
19 Director for the purpose of the amendment accordingly.

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

22 **§ 2546. Surrender of casino license.**

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

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

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

8 (d) The Commission may decide to accept the surrender or not to accept it after taking
9 into consideration the recommendation of the Executive Director, but they shall not accept the
10 surrender unless they are satisfied that there are circumstances existing in which the continued
11 operation of the casino is not in the best interests of the casino licensee or of the public.

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

13 **§ 2551. Unlicensed persons not to be casino key employees or casino employees.**

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

16 (1) in the case of a casino key employee, the person is the holder of a casino key
17 employee license and in the case of a casino employee, the person is the holder of a
18 casino employee license.

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

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

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

1 (1) who in the case of employment as a casino key employee is not the holder of
2 a casino key employee license and in the case of employment as a casino employee is
3 not the holder of a casino employee license;

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

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

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

11 **§ 2552. Application for license.**

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

15 (1) be in the prescribed form;

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

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

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

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

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

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

(8) be accompanied by a letter from a casino operator addressed to the Executive Director stating that he intends to employ the applicant.

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

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

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

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

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

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

(c) Where the person required pursuant to subsection (a) of this section to apply for a casino key employee license fails to do so within the time stipulated in that subsection, the Executive Director shall cause a notification in writing of such failure to be served on the

1 casino operator in question, and the casino operator shall on such notification being served on
2 him terminate the association or employment of that person with the casino notwithstanding
3 the provisions of any other act or law or of any industrial award or agreement.

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

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

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

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

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

14 **§ 2554. Consideration of application.**

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

17 (1) cause the photograph and fingerprints of the applicant to be taken;

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

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

1 (i) the integrity, responsibility, personal background and financial
2 stability of the applicant;

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

5 (iii) the suitability of the applicant to perform the type of work proposed
6 to be performed by him as a licensee, after which he shall make a
7 recommendation to the Commission that the application be granted or that it be
8 refused, provided that the Executive Director may require the applicant to
9 submit to him such additional information or material as he considers it is
10 necessary for him to have before making a recommendation or decision, as the
11 case may be; and such information or material, upon receipt, shall be taken into
12 consideration accordingly.

13 **§ 2555. Commission may grant or refuse to grant application.**

14 (a) The Commission, after giving consideration to the recommendation of the
15 Executive Director and to such other submitted and investigatory material as it thinks fit
16 including, as an applicable case, additional information or material referred to in the proviso to
17 10 CMC § 2554(a), may in its absolute discretion grant the application for a casino key
18 employee license or a casino employee license or refuse it.

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

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

22 (d) The Commission may subject the grant of a license to such terms, conditions and
23 restrictions as are considered by it to be necessary in the public interest, and may issue

1 regulation concerning the conditions under which such a license may be granted, revoked or
2 suspended and what fees, if any, shall be paid for such license.

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

4 **§ 2556. Issue of license.**

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

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

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

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

12 (3) any other prescribed particulars.

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

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

22 (e) The Executive Director, being satisfied in such manner as he thinks fit that a casino
23 key employee license or a casino employee license has been destroyed, damaged or lost, may

issue to the licensee on payment by him of the prescribed fee a license in substitution for the one destroyed, damaged or lost.

§ 2557. Notification of commencement of employment.

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

§ 2558. Display of identification.

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

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

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

§ 2559. Submission of list of licensees.

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

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

- (1) his name and current address;
- (2) the type of license held by him;
- (3) the number of the license; and
- (4) any other information prescribed.

§ 2560. Duration of license.

1 (a) A casino key employee license or a casino employee license shall remain in force
2 until:

3 (1) the licensee dies;

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

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

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

7 **§ 2561. Cancellation or suspension of license.**

8 (a) The Commission may cancel or suspend a casino key employee license or a casino
9 employee license:

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

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

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

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

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

20 (b) Suspension of license shall be for such period as the Commission thinks fit and
21 shall during such period have the same effect as cancellation of a license without prejudice to
22 any penal or other liability actually incurred by the licensee or to the exercise of the powers of

1 the Commission, the Executive Director, the Enforcement Division or any inspector under this
2 chapter.

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

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

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

9 **§ 2562. Letter of censure.**

10 (a) The Commission, in lieu of canceling or suspending a license under 10 CMC §
11 2561, may, if it considers the circumstances are such as not to warrant cancellation or
12 suspension, direct to the casino key employee or casino employee a letter of censure censuring
13 him with respect to the matter in question.

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

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

18 **§ 2563. Surrender of casino key employee license or casino employee license.**

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

21 **§ 2564. Termination of employment of employee and notification of termination of**
22 **employment.**

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

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

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

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

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

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

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

15 **§ 2565. Provisional license.**

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

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

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

1 (3) the issue of the provisional license will not prejudice the integrity of the
2 operation of the casino.

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

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

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

8 (1) the casino key employee license or the casino employee license, as the case
9 may be, is issued or until the Commission decides to refuse to grant the application for
10 a casino key employee license or a casino employee license;

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

12 (3) it is canceled by the Commission.

13 (e) The Commission in its absolute discretion may cancel a provisional casino key
14 employee license or a provisional casino employee license at any time, and the holder of the
15 license shall not have any right of action against the Commission, the casino operator in
16 question or any other person in respect of such cancellation or termination of employment as a
17 consequence thereof.

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

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

23 **§ 2566. Reference to employment.**

1 In this Article, a reference to “employ” or “employment” includes a reference to engage
2 or engagement under a contract for services.

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

4 **§ 2571. Licensing and registration of casino service industries.**

5 (a) (1) All casino service industries offering goods or services which directly relate
6 to casino or gaming activity, including gaming equipment manufacturers, suppliers and
7 repairers, schools teaching gaming and either playing or dealing techniques, casino
8 security service, and junket enterprises, shall be licensed in accordance with the
9 provisions of this chapter prior to conducting any business whatsoever with a casino
10 applicant or licensee, its employees or agents, and in the case of a school, prior to
11 enrollment of any students or offering of any courses to the public whether for
12 compensation or not; provided, however, that upon a showing of good cause by a
13 casino applicant or licensee for each business transaction, the Commission may permit
14 an applicant for a casino service industry license to conduct business transactions with
15 such casino applicant or licensee prior to the licensure of that service industry applicant
16 under this subsection.

17 (2) In addition to the requirements of paragraph (a)(1) of this subsection, any
18 casino service industry intending to manufacture, sell, distribute or repair slot machines
19 within the Municipality of Tinian and Aguiguan shall be licensed in accordance with
20 the provisions of this chapter prior to engaging in any such activities; provided,
21 however, that upon a showing of good cause by a casino applicant or licensee for each
22 business transaction, the Commission may permit an applicant for a casino service
23 industry license to conduct business transactions with the casino applicant or licensee

1 prior to the licensure of that service industry applicant under this subsection; and
2 provided further, however, that upon a showing of good cause by an applicant
3 required to be licensed as a casino service industry pursuant to this paragraph, the
4 Commission may permit the service industry applicant to initiate the manufacture of
5 slot machines or engage in the sale, distribution or repair of slot machines with any
6 person other than a casino applicant or licensee, its employees or agents, prior to the
7 licensure of that service industry applicant under this subsection.

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

1 issuance and be renewable, at the discretion of the Commission, for one additional six-month
2 period.

3 (c) All casino service industries not included in subsection (a)(1) of this section shall be
4 registered in accordance with rules of the Commission and shall produce such information as
5 the Commission may require prior to commencement or continuation of any business with a
6 casino applicant or licensee or its employees or agents. Such casino service industries, whether
7 or not directly related to gaming operations, shall include suppliers of alcoholic beverages,
8 food and nonalcoholic beverages; garbage handlers; vending machine providers; linen
9 suppliers; maintenance companies; shopkeepers located within the approved hotels; limousine
10 services and construction companies contracting with casino applicants or licensees or their
11 employees or agents. The Division of Enforcement may initiate revocation or suspension
12 proceedings against a registrant based on disqualification criteria.

13 (d) The Division of Enforcement or the Commission may require a casino service
14 industry registrant not otherwise required to apply for a license pursuant to subsection (c) to
15 file an application for a casino service industry license in accordance with the provisions of
16 subsection (a)(1).

17 (e) If an applicant for a casino service industry license is licensed within the past three
18 years in another jurisdiction with comparable license requirements, including but not limited to
19 Singapore, New Jersey and Nevada, and is in good standing in all jurisdictions in which it
20 holds a license, the Commission may determine to issue a casino service industry license
21 without conducting a background investigation; provided that the Commission shall reserve its
22 rights to investigate the qualifications of an applicant at any time.

(f) The Commission may exempt any person or field of commerce from the registration requirements of this subsection if the person or field of commerce demonstrates (1) that it is regulated by a public agency or that it will provide goods or services in insubstantial or insignificant amounts or quantities, and (2) that registration is not deemed necessary in order to protect the public interest or to accomplish the policies established by this chapter. Upon granting an exemption or at any time thereafter, the Commission may limit or place such restrictions thereupon as it may deem necessary in the public interest, and shall require the exempted person to cooperate with the Division and, upon request, to provide information in the same manner as required of a casino service industry registered pursuant to this subsection; provided, however, that no exemption be granted unless the casino service industry complies with the requirements of this chapter.

(g) The Commission shall not assess or attempt to assess penalties and fines against any individual or entity which has not submitted an application for a license or registration under 10 CMC § 2571(c).

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

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

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

3 (c) The Commission shall have the authority to deny any application pursuant to the
4 provisions of this chapter. When an application is denied, the Commission shall prepare and
5 file its order denying such application with the general reasons therefor, and if requested by the
6 applicant, shall further prepare and file a statement of the reasons for the denial, including the
7 specific findings of fact.

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

11 (1) after the first two renewal periods succeeding the issuance of a casino
12 service industry license required, hereunder, the license term shall be for five years, but
13 the Commission shall reconsider the granting of such a license at any time at the
14 request of the Division of Enforcement; and

15 (2) a casino service industry that is issued a license with a validity period of
16 longer than 1 year shall pay an annual license fee for each year of requested validity at
17 the time the license is requested.

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

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

22 **§ 2573. Renewal of licenses and registrations.**

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

6 **§ 2574. Slot Machine Manufacturer Enterprise.**

7 (a) A slot machine manufacturer enterprise may enter into a written agreement with a
8 casino operator for a direct or indirect interest in or percentage or share of the revenues, profits
9 or earnings from or of the casino; provided that:

10 (1) The slot machine manufacturer enterprise is duly licensed as a casino service
11 industry in accordance with the provisions of 10 CMC § 2571(a);

12 (2) The slot machine manufacturer enterprise did not obtain a casino service
13 industry license pursuant to the reciprocity provisions of this chapter;

14 (3) The agreement is provided in advance to the Commission for approval; and

15 (4) Any revisions to the agreement shall be approved by the Commission.

16 **§ 2575. Junket Enterprises.**

17 (a) Junket enterprises may conduct business with a casino provided they are licensed as
18 casino service industry in accordance with 10 CMC § 2571(a) and the Commission's
19 regulations and:

20 (1) Maintain a valid CNMI business license;

21 (2) Maintain a CNMI bank account;

22 (3) Agree in a form prescribed by the Commission to be subject to audits by the
23 Division or Commission or their designees; and

1 (4) Agree in a form prescribed by the Commission to apply for a casino service
2 industry license.

3 (5) The Commission is authorized to prepare and implement specific regulations
4 related to junket play as needed.

5 (b) A failure to comply with any of the aforementioned requirements shall be grounds
6 for the revocation of the junket enterprise's license and a prohibition of business with casino
7 licensees.

8 (c) A junket enterprise may enter into a written agreement with a casino operator for a
9 direct or indirect interest in or percentage or share of the revenues, profits or earnings from or
10 of the casino; provided that:

11 (1) The agreement is provided in advance to the Commission for approval, in
12 accordance with regulations; and

13 (2) Any revisions to the agreement shall be approved by the Commission in
14 accordance with regulations.

15 **Article 6. Fees and Taxes.**

16 **§ 2581. Casino license fees, casino key employee and casino employee license fees,**
17 **casino service industry license fee, investigative fees, fines and casino taxes as local**
18 **revenues.**

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

(1) An appropriation for local public purposes may include but is not limited to assistance in education, programs for youth and elderly development, scholarship, full time employees, medical referral, agricultural and fisheries development, cultural programs, community and recreational development, programs for special needs individuals, disabled and disadvantaged individuals, medical and dental insurance assistance, provided that such payment is limited to contributions made by the Commission to secure appropriate insurance coverage for Tinian Municipal government employees, and assistance to law enforcement.

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

(1) An applicant for a casino license shall pay a non-refundable application fee of not less than twenty-five thousand dollars (\$25,000.00) upon submission of the application to the Commission and shall also initially deposit no less than one hundred thousand dollars (\$100,000.00) for the purposes of investigating the suitability of the applicant. The applicant must also maintain a revolving fund for investigative purposes in the amount of fifty thousand dollars (\$50,000.00).

(2) An annual conditional or plenary license fee of five hundred thousand dollars (\$500,000.00) shall be paid to the Commission upon approval of the conditional or plenary gaming application. In the case where a prior conditional gaming license has been issued for gaming purposes, the license fee shall be due and prorated on a quarterly basis beginning the third quarter of fiscal year 2016. Thereafter, when a conditional or plenary casino application is approved with less than the period of 12 months of the financial year ending September 30, the fee shall be calculated on a quarterly basis and paid on the period remaining.

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

4 (ii) A casino licensee that opts to engage in internet gaming shall pay an
5 annual fee to be determined by the Tinian Casino Gaming Control Commission.
6 Payment of internet gambling revenue tax shall not be waived.

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

11 (c) Casino tax.

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

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

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

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

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

7 **§ 2582. Adjustment of payment of gambling revenue tax in certain circumstances.**

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

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

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

4 **§ 2583. Disposition of casino license fees, etc.**

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

8 **§ 2584. Penalty for late payment.**

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

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

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

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

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

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

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

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

4 **§ 2585. Recovery of fees and taxes.**

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

8 **§ 2586. Liability for fees and taxes.**

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

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

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

18 **Article 7. Casino Operation**

19 **§ 2591. Maintenance of facilities, etc.** A casino operator shall:

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

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

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

§ 2592. Casino layout.

(a) A casino operator shall:

(1) ensure and certify that visibility by the surveillance department throughout any gaming area of the casino, including private gaming rooms, wherein games are being played is clear and unobstructed;

(2) in addition to the casino operator's surveillance department, provide a separate surveillance room with complete surveillance equipment approved by the Commission for the Commission and its inspectors to independently monitor the casino operations;

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

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

(5) submit a plan of the catwalk surveillance system indicating the positions of communication facilities.

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

1 **§ 2593. Variation of casino layout.**

2 A casino may, upon written notice to the Commission, vary the placement of gaming
3 tables, count rooms, cages, private gaming rooms or any other associated facilities provided
4 that the surveillance coverage meets the standards prescribed by regulations.

5 **§ 2594. Casino operating days and hours.**

6 (a) A casino operator shall submit to the Commission a schedule of operating hours
7 prior to commencement of gaming operations.

8 (b) A casino shall be operated according to the schedule of operating hours.

9 (c) A casino operator shall not operate the casino in variance from the schedule of
10 operating hours.

11 (d) A casino operator may revise the schedule of operating hours; provided that the
12 casino operator shall notify in writing the Commission at least 48 hours in advance of any
13 revisions to the schedule of operating hours.

14 (e) On and from the date specified, the revised schedule shall be the schedule of
15 operating hours for the casino.

16 (f) The Commission may determine to amend the schedule of operating hours for good
17 cause, upon 48 hours written notice to the casino operator.

18 (g) The Commission may determine that a casino not be operated on specific days and
19 times upon 48 hours written notice to the casino operator.

20 **§ 2595. Gaming equipment and chips.**

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

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

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

5 (1) has been approved by the Commission;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (g) A casino operator shall ensure:

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

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

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

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

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

12 **§ 2596. Casino games.**

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

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

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

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

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

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

1 (g) The casino operator at any time, having regard to the apparent gaming requirements
2 of casino patrons, may conduct a number of games in any particular case less than the
3 maximum number approved in respect thereof.

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

6 **§ 2597. Assistance to Patrons in relation to rules of games.**

7 (a) A casino operator shall:

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

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

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

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

20 (b) A casino operator shall ensure that a minimum wager indicated in respect of a game
21 at a table or location shall not be changed to a higher minimum unless a sign indicating the
22 new minimum and the proposed time of change is displayed to the table or location at least 20
23 minutes prior to the time of the 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 are used
3 such cards are at all times dealt from an item of gaming equipment specifically designated for
4 that purpose and known as a “card shoe”.

5 (b) A casino operator shall not issue or cause, permit or suffer to be issued any chips for
6 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 the amount
9 shown on the voucher.

10 (c) A casino operator shall ensure that all gaming wagers are placed by the use of chips
11 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 without any
13 commission or levy other than a commission or levy provided for in the rules of a game.

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

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

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

20 (2) redeem chips or chip purchase vouchers issued by the casino for cash or an
21 amount equivalent to the value of the chips or chip purchase vouchers; provided that
22 the casino operator, if requested by the patron, may at his discretion issue for the whole

1 or any part of the amount to be paid in cash, in lieu of cash, a check made payable to
2 the patron and drawn on a bank account approved by the Commission for the purpose.

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

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

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

12 (i) A casino key employee or a casino employee shall not gamble in a casino in which
13 he is employed or with which he is associated:

14 (1) wager at any game; or

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

17 **§ 2599. Casino operator may accept credit wagers, etc.**

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

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

21 (2) issue credit to a licensed junket enterprise;

22 (3) provide cash or chips to any person in respect of a credit card transaction;

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

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

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

10 **§ 25100. Deposit advance accounts.**

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

13 (b) A casino operator may accept a check in an advance account to facilitate repayment
14 of credit issued, that is:

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

16 (2) drawn for a specific amount;

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

18 (4) is not dated but is kept on file at the casino and dated when/if deposited.

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

23 **§ 25101. Exchange by casino operator of chip purchase voucher for check.**

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

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

7 **§ 25102. Redemption of checks.**

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

12 (a) cash;

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

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

15 (d) chips; or

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

18 **§ 25103. Depositing of checks.**

19 Any check held by a casino operator and not redeemed or cashed for more than seven
20 days shall be considered to be credit and shall be treated pursuant to the provisions of 10 CMC
21 § 2599.

22 **§ 25104. No redemption to delay payment.**

1 Where a person has deposited or lodged a check with a casino operator under 10 CMC
2 § 25100 or § 25101, the casino operator shall not agree to the redemption by that person of the
3 check pursuant to 10 CMC § 25102 for the purpose of avoiding or delaying beyond the
4 prescribed time as referred to in 10 CMC § 25103 the banking of the check to the appropriate
5 account of the casino operator.

6 **§ 25105. Training courses for employees.**

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

10 (b) All training courses to be provided pursuant to subsection (a) of this section shall be
11 conducted by the casino operator or, with the approval of the Commission, by the nominee of
12 the casino operator.

13 (c) A casino operator may conduct gaming on a simulated basis for the purpose of
14 training employees, testing gaming equipment and gaming procedures and demonstrating the
15 conduct and playing of games provided:

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

17 (2) no cash is used and no chips having value are used.

18 **Article 8. Internal Controls, Administrative and Accounting Procedures and**
19 **Audit Requirements.**

20 **§ 25111. System of controls and Procedures.**

21 (a) A casino operator shall submit to the Executive Director for the approval of the
22 Commission a description of the system of internal controls and administrative and accounting
23 procedures proposed by him in connection with the operation of the casino.

(b) A casino operator shall notify in writing the Commission of any revisions to the system of internal controls and administrative and accounting procedures.

(c) A casino operator may implement revisions to the system of internal controls and administrative and accounting procedures fifteen business days after written notice has been provided to the Commission pursuant to subsection (b).

(d) Upon written notice by the Commission, the casino operator shall promptly make any required revisions to its system of internal controls and administrative and accounting procedures.

§ 25112. Content of submission.

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

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

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

(1) hold percentages and calculations thereof; and

(2) revenue drop;

(c) procedures for the conduct and playing of games.

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

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

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

3 (g) procedures for the transfer of moneys from the gaming tables and other places in the
4 casino where games are conducted to other areas of the casino for counting.

5 (h) procedures and forms for the transfer of moneys or chips from and to any gaming
6 area.

7 (i) procedures and security for the counting and recording of revenue.

8 (j) procedures and security for the transfer of moneys to and from a bank from and to
9 the casino.

10 (k) procedures for the security, storage and recording of chips utilized in the gaming
11 operations.

12 (l) procedures and standards for the maintenance, security and storage of any gaming
13 equipment.

14 (m) procedures for the payment and recording of winnings associated with any games
15 where such winnings are paid by cash or check.

16 (n) procedures for the issue of chip purchase vouchers and the recording of transactions
17 in connection therewith.

18 (o) procedures for the cashing and recording of check transactions.

19 (p) procedures for the establishment and use of deposit advance accounts.

20 (q) procedures for the use and maintenance of security and surveillance facilities,
21 including catwalk systems and closed-circuit television systems.

22 (r) procedures governing the utilization of security personnel within the casino.

23 (s) procedures for the control of keys used or for use in casino operations.

1 (t) procedures for junkets operations and the use of private gaming rooms.

2 **§ 25113. Commission's approval.**

3 (a) The Executive Director shall review each submission received by him pursuant to
4 10 CMC § 25111 and, subject to subsection (b) of this section, advise the Commission:

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

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

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

13 (b) if the Executive Director considers that:

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

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

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

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

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

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

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

12 (f) A casino operator shall not:

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

15 (i) approved by the Commission; and

16 (ii) implemented by the casino operator;

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

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

20 **§ 25114. Books, etc., to be kept on premises.**

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

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

2 (1) exempt the casino operator from compliance with subsection (a) either in
3 respect of all books, records and documents or some of them as specified by it for
4 reasons considered by it to be sufficient;

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

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

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

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

17 **§ 25115. Keeping of bank accounts.**

18 A casino operator shall keep and maintain separate bank accounts as approved by the
19 Commission in a bank in the Commonwealth of the Northern Mariana Islands for use for all
20 banking transactions relating to the operations of the hotel-casino complex or the casino, as the
21 case may be. Upon execution of an appropriate waiver, consistent with "The Right to Financial
22 Privacy Act," 12 U.S.C. § 3401 et seq. and 4 CMC § 6454, an applicant or licensee shall be
23 deemed to have given to the Commission an unconditional and irrevocable grant of authority to

1 inspect, on demand, and without notice to such applicant or licensee, the applicant's or
2 licensee's bank accounts and bank records wherever said bank is located as well as a grant by
3 the licensee to its bank of indemnification for the release of any such otherwise confidential
4 information.

5 **§ 25116. Accounts to be kept.** A casino operator shall:

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

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

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

12 (2) his financial statements and accounts to be conveniently and properly
13 audited.

14 **§ 25117. Financial statements and accounts.**

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

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

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

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

21 **§ 25118. Commission may determine financial year period.**

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

1 **§ 25119. Submission of reports.**

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

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

9 **§ 25120. Audit provisions.**

10 (a) A casino operator shall at his own expense cause his books, accounts and financial
11 statements relating to the operations of the hotel-casino complex or the casino, as the case may
12 be, to be audited by a certified public account licensed to practice in the CNMI, the United
13 States or a U.S. territory who is approved by the Commission.

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

17 **§ 25121. Wider application of certain provision of this Article.**

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

22 (b) The provisions of 10 CMC § 25114 to § 25120 apply to and impose obligations and
23 liabilities on a person other than the actual operator in respect of all matters relating to the

1 operations of the hotel-casino complex or the casino, as the case may be, according to his
2 interest therein or association therewith to the same extent in all respects as they do in the case
3 of the casino operator under a casino management agreement.

4 **Article 9. Agreements and Other Documents in Connection with Casino**
5 **Operation.**

6 **§ 25131. Restriction on certain agreements, etc.**

7 (a) Casino leases referred to in 10 CMC § 2537, casino management agreements
8 referred to in 10 CMC § 2538, slot machine manufacturer enterprise referred to in 10 CMC §
9 2574 and licensed junket enterprises referred to in 10 CMC § 2575 are not subject to the
10 provisions of this section.

11 (b) None of them:

12 (1) a casino licensee;

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

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

20 (ii) any direct or indirect interest in or percentage or share of the
21 revenues, profits or earnings from or of the casino.

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

§ 25132. Review of agreements, etc.

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

(b) Any of them:

(1) a casino licensee;

(2) a lessee under a casino lease; and

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

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

(1) names of persons entering into the agreements;

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

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

(4) operative period of the agreement.

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

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

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

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

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

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

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

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

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

4 (k) The Commission's direction referred to in subsection (j)(2) of this section shall be
5 given in writing to the parties to the agreement and shall specify a date on which the agreement
6 is terminated under this chapter if not sooner terminated.

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

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

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

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

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

15 **§ 25141. Directions as to operation of casino.**

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

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

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

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

2 **§ 25142. Inspectors may be and remain on casino premises.**

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

5 (a) viewing the operations of gaming;

6 (b) observing other activities associated with the operation of the casino;

7 (c) ascertaining whether the operation of the casino is being properly supervised and
8 managed, and whether the provisions of this chapter and the terms and conditions of the
9 applicable agreement referred to in 10 CMC § 2532 are being observed; or

10 (d) in all other respects, exercising their powers and performing their duties under this
11 chapter.

12 **§ 25143. Other powers of inspectors.**

13 (a) An inspector may:

14 (1) require any person who has in his possession or under his control any
15 gaming equipment or chips or any books, accounts, records or documents (which
16 books, accounts, records or documents are hereafter in this article referred to as
17 records) related to the operation of a casino or otherwise relevant to the administration
18 of this chapter to:

19 (i) produce for his inspection any such gaming equipment or chips or
20 records; and

21 (ii) attend before him at a time and place named and then and there to
22 answer any questions or supply any information with respect to any gaming

1 equipment or chips or any records referred to in this paragraph or any entry
2 therein.

3 (2) inspect any gaming equipment or chips or records referred to in subsection
4 (a)(1) of this section and take such notes or copies of or in relation to such records or
5 extracts therefrom as he deems necessary;

6 (3) with the prior approval in writing of the Commission enter any premises or
7 place in or at which he believes on reasonable grounds any gaming equipment or chips
8 or records, as aforesaid, is or are present in order to search for such equipment, chips or
9 records;

10 (4) in a casino or other premises or place search for and seize and retain any
11 gaming equipment or chips or records as aforesaid that he considers will afford
12 evidence as to the commission of an offense against this chapter or any other act or law
13 suspected by him on reasonable grounds to have been committed;

14 (5) require any casino licensee, lessee under a casino lease, casino operator
15 under a casino management agreement, casino key employee, casino employee or any
16 other person associated with the operation or management of a casino to attend before
17 him at a time and place named and then and there to answer any questions or supply
18 any information with respect to the operation of a casino;

19 (6) examine and test any gaming equipment or chips and order the destruction
20 of gaming equipment or chips considered by him to be unsatisfactory for use;

21 (7) receive and investigate complaints from casino patrons with respect to any
22 aspect of the operation of a casino and advise such patrons the results of his
23 investigations;

1 (8) call to his aid:

2 (i) another inspector or a member of the police force where he is
3 obstructed or believes on reasonable grounds that he will be obstructed in the
4 exercise of his powers or performance of his duties; or

5 (ii) a person who he thinks is competent to assist him in the exercise of
6 his powers or performance of his duties.

7 (b) A person who is acting in aid of an inspector under this chapter shall have and may
8 exercise all or any of the powers conferred upon an inspector under this chapter.

9 (c) Any requirement under this section may be made:

10 (1) verbally; or

11 (2) by writing addressed to the person to or on whom it is made and delivered to
12 him personally or sent by mail to his address last known to the inspector.

13 (d) A person is not required, in respect of any matter within the application of this
14 chapter, to answer any question or give any information tending to incriminate himself.

15 **§ 25144. Offenses relating to inspectors.** A person shall not:

16 (a) assault, obstruct, hinder, threaten, abuse, insult or intimidate an inspector or person
17 acting in aid of an inspector who is exercising his powers or performing his functions or duties
18 under this chapter or attempting so to do;

19 (b) when required under this chapter to produce for inspection any gaming equipment,
20 chips or records referred to in this article, fail without lawful excuse to produce such gaming
21 equipment, chips or records in accordance with such requirement;

22 (c) when required under this chapter to attend before an inspector, fail without lawful
23 excuse to so attend in accordance with such requirement;

1 (d) when required under this chapter to answer any question or supply any information
2 with respect to any gaming equipment, chips or records referred to in this article or with
3 respect to any entry in any such records or with respect to the operation of a casino, give an
4 answer or supply information that is false or misleading or, knowing or being in a position to
5 know the answer or information required, fail to answer that question or supply that
6 information;

7 (e) retake any gaming equipment, chips or records seized, impounded or retained under
8 the authority of this chapter;

9 (f) refuse or fail to destroy any gaming equipment or chips considered by an inspector
10 to be unsatisfactory for use when ordered by the inspector so to do; or

11 (g) prevent, directly or indirectly, a person from attending before an inspector,
12 producing to an inspector any gaming equipment, chips or records or answering any question
13 of or supplying any information to an inspector when that person is required so to do under this
14 chapter.

15 **§ 25145. Bank may be required to furnish Particulars.**

16 (a) The manager or other principal officer of a bank in which a casino licensee, a lessee
17 under a casino lease or a casino operator under a casino management agreement keeps and
18 maintains an account in relation to the operation of a hotel-casino complex or a casino, when
19 presented with an appropriate waiver executed consistent with the "Right to Financial Privacy
20 Act," 12 U.S.C. § 3401 et seq. and 4 CMC § 6454 by an applicant or licensee, upon written
21 request by an inspector, shall furnish to the inspector a statement of account and any other
22 particulars required by the inspector to be so furnished, including copies of checks or records
23 relevant to the account; and no liability shall be incurred by the bank or the manager or other

1 principal officers thereof in respect of any breach of trust or otherwise by reason only of the
2 furnishing of any statement or particulars or copies pursuant to this section.

3 (b) An inspector shall not make a requirement in writing under subsection (a) of this
4 section unless he has the prior approval in writing of the Commission so to do.

5 **§ 25146. Inquiry into operation of casinos.**

6 (a) The Commission may if it thinks fit appoint in writing the Executive Director or any
7 other officer of the Commission to hold an inquiry into the operation of a casino.

8 (b) In the holding of an inquiry the Executive Director or appointed officer shall have
9 all the powers, authorities, rights, privileges, protection and jurisdiction as provided in this
10 chapter.

11 (c) Nothing contained in this section affects any other powers that the Executive
12 Director has as an inspector under this chapter or, where the appointed officer is an inspector,
13 that the appointed officer has as an inspector under this chapter.

14 (d) (1) Whenever adverse action is taken toward a licensee that affects its right to
15 continue its casino operation, said licensee so affected may, within 20 days subsequent
16 to receiving notice of such adverse action, request a hearing on such adverse action.

17 (2) The right to request a hearing under this section shall also apply to an
18 applicant, whose application has been denied.

19 (3) A hearing under this section shall be granted and conducted pursuant to the
20 Commonwealth Administrative Procedure Act.

21 (4) The Commission may conduct the hearing or may delegate such
22 responsibility.

1 (5) The Commission reserves the right to hold a hearing on its own initiative
2 with respect to a licensee or applicant and require such licensee or applicant's
3 appearance.

4 (6) The provisions of this section shall apply to the following sections: 10 CMC
5 §§ 2521, 2542, 2544, 2553, 2555, 2561, 2564, 2565, 2572, 2584, 25113, 25132, 25141,
6 25152, and 25180.

7 (7) The foregoing list set forth in paragraph (6) of this subsection immediately
8 above is not exclusive and the provisions of this section shall apply to all other portions
9 of this chapter when due process considerations are present as a result of adverse action
10 taken by the Commission involving a licensee, and in cases of denial, involving an
11 applicant.

12 (8) The failure of a licensee or an applicant to request a hearing or appear at a
13 hearing when required by the Commission, shall constitute a waiver of any and all
14 further right of appeal or review.

15 (9) The foregoing provisions of this subsection shall apply to applicants for a
16 Casino Operator's license, in the event that the Commission denies the issuance of such
17 license.

18 **Article 11. General.**

19 **§ 25151. Entry to and exclusion of entry from casino.**

20 (a) Save as is provided in this Article, no person has a right against a casino operator.

21 (b) A direction, either verbally or in writing, prohibiting a person from entering or
22 remaining in a casino may be given to that person by the casino operator or the person who at
23 the time in question is in charge of the operation of the casino.

1 (c) A person to whom a direction is given may, if it is not in writing, request that it be
2 given to him in writing, whereupon the casino operator or person in charge as aforesaid shall
3 give the direction in writing.

4 **§ 25152. Appeal to Commission.**

5 (a) A person receiving a direction in writing pursuant to 10 CMC § 25151 prohibiting
6 him from entering or remaining in a casino may appeal against the direction to the
7 Commission.

8 (b) The appeal shall be made in writing and shall detail the grounds on which the
9 appeal is made.

10 (c) The Commission may cause such inquiries to be made by the Executive Director in
11 relation to the direction as he thinks fit and the results of the inquiries to be reported upon to it.

12 (d) Upon a consideration of the grounds of appeal detailed by the appellant and any
13 matters reported upon to it in relation to the direction, the Commission may:

14 (1) reject the appeal; or

15 (2) allow the appeal.

16 (e) The decision of the Commission shall:

17 (1) be communicated in writing to the appellant and the casino operator; and

18 (2) be final and conclusive.

19 (f) The allowance of the appeal by the Commission revokes the direction without
20 prejudice to the right of the casino operator or person in charge of the operation of the casino at
21 a particular time, acting in good faith, to give a further direction to that person for a reason
22 considered by him to be a sufficient reason.

1 (g) An appeal against a direction does not prejudice the effectiveness of the direction
2 pending the Commission's decision thereon.

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

4 **§ 25153. Resident Department Head of the Department of Public Safety Tinian**
5 **may exclude entry.**

6 (a) The Resident Department Head of the Department of Public Safety Tinian may
7 direct a casino operator to exclude a specified person from the casino, and the casino operator
8 shall comply.

9 (b) Where the Resident Department Head of the Department of Public Safety Tinian
10 gives a direction, he shall, where applicable:

11 (1) make available to the casino operator a photograph of the person to be
12 excluded; and

13 (2) give notice of the direction to the person to be excluded and to the
14 Enforcement Division.

15 (c) In exercising the authority granted hereunder, the Commission or its employees will
16 exercise only those "police powers" or "powers of a peace officer" that may have been
17 specifically delegated to the Commission or its employees by the Resident Department Head of
18 the Department of Public Safety Tinian.

19 **§ 25154. Copy of direction to Executive Director.**

20 A copy of the direction in writing given under 10 CMC § 25151 or § 25153 shall be
21 given to the Executive Director by the casino operator or other person who given the direction
22 pursuant to 10 CMC § 25143 by the Resident Department Head of the Department of Public
23 Safety Tinian, as the case may be.

1 **§ 25155. Duration of direction.**

2 A direction given under 10 CMC § 25151 or § 25153 shall remain in force until
3 revoked by the casino operator or the Resident Department Head of the Department of Public
4 Safety Tinian, as the case may be.

5 **§ 25156. List of names of excluded persons.**

6 (a) The Commission shall, by regulation, provide for the establishment of a list of
7 persons who are to be excluded or ejected from any licensed casino establishment. Such
8 provisions shall define the standards for exclusion, and shall include standards relating to
9 persons:

10 (1) Who are career or professional offenders as defined by regulations of the
11 commission;

12 (2) Who have been convicted of a criminal offense under the laws of any state
13 or of the United States, which is punishable by more than 6 months in prison, or any
14 crime or offense involving moral turpitude; or

15 (3) Whose presence in a licensed casino would, the opinion of the commission,
16 be inimical to the interest of the Municipality of Tinian and Aguiguan or of licensed
17 gaming therein, or both.

18 The Commission shall promulgate definitions establishing those categories of persons
19 who shall be excluded pursuant to this section, including cheats and persons whose privileges
20 for licensure or registration have been revoked.

21 (b) Race, color, creed, national origin or ancestry, sex, or religious belief shall not be a
22 reason for placing the name of any person upon such list.

1 (c) The Commission may impose sanctions upon a licensed casino or individual
2 licensee or registrant in accordance with the provisions of this chapter if such casino or
3 individual licensee or registrant knowingly fails to exclude or eject from the premises of any
4 licensed casino any person placed by the commission on the list of persons to be excluded
5 rejected.

6 (d) Any list compiled by the Commission of persons to be excluded or ejected shall not
7 be deemed an all-inclusive list, and the licensed casino establishments shall have a duty to keep
8 from their premises persons known to them to be within the classifications declared in
9 subsection (a) of this section and the regulations promulgated thereunder.

10 (e) Whenever the name or description of any person is placed on a list pursuant to this
11 section, the Commission shall serve notice of such fact to such person by personal service, by
12 certified mail at the last known address of such person, or by publication daily for one week in
13 a newspaper of general circulation in the Commonwealth.

14 (f) The Commission shall adopt as its own those lists of persons to be excluded from
15 the States of Nevada and New Jersey. All persons excluded from casinos in Nevada and New
16 Jersey shall be excluded from Tinian Casinos. The Commission may adopt as its own those
17 lists of persons to be excluded from other jurisdictions if it is satisfied the persons on those lists
18 were given due process of law.

19 (g) Within 30 days after service by mail or in person or 60 days from the time of last
20 publication, as the case may be, the person named for exclusion or ejection may demand a
21 hearing before the Commission and show cause why he should have his name removed from
22 such list. Failure to demand such a hearing within the time allotted in this section shall

1 preclude a person from having an administrative hearing but shall in no way affect his right to
2 judicial review as provided herein.

3 (h) Upon receipt of a demand for a hearing, the Commission shall set a time and place
4 for such hearing. Unless otherwise agreed by the Commission and the named person, such
5 hearing shall not be later than 30 days after the receipt of a demand for such hearing.

6 (i) If, upon completion of the hearing, the Commission determines that the regulation
7 does not or should not apply to the person so listed, the Commission shall notify all casino
8 licensees of such determination.

9 (j) If, upon completion of a hearing, the Commission determines that the placement of
10 the name of the person on the exclusionary list was appropriate, the commission shall make
11 and enter an order to that effect. Such order shall be subject to review by the Superior Court in
12 accordance with the rules of court.

13 **§ 25157. List of persons self-excluded from gaming activities.**

14 (a) The Commission shall provide by regulation for the establishment of a list of
15 persons self-excluded from gaming activities at all licensed casinos. Any person may request
16 placement on the list of self-excluded persons by acknowledging in a manner to be established
17 by the Commission that the person is a problem gambler and by agreeing that, during any
18 period of voluntary exclusion, the person may not collect any winnings or recover any losses
19 resulting from any gaming activity at such casinos.

20 (b) The regulations of the Commission shall establish procedures for placement on, and
21 removals from, the list of self-excluded persons. Such regulations shall establish procedures for
22 the transmittal to licensed casinos of identifying information concerning self-excluded persons,
23 and shall require licensed casinos to establish procedures designed, at a minimum, to remove

1 self-excluded persons from targeted mailings or other forms of advertising or promotions and
2 deny self-excluded persons access to credit complimentaries, and other similar benefits.

3 (c) A licensed casino shall not be liable to any self-excluded person or to any other
4 party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a
5 result of:

6 (1) The failure of a licensed casino to withhold gaming privileges from, or
7 restore gaming privileges to, a self-excluded person; or

8 (2) Otherwise permitting a self-excluded person to engage in gaming activity in
9 such licensed casino while on the list of self-excluded persons.

10 (d) The list of self-excluded persons shall be maintained as confidential by the
11 Commission.

12 (e) A licensed casino or employee thereof shall not be liable to any self-excluded
13 person or to any other party in any judicial proceeding for any harm, monetary or otherwise,
14 which may arise as a result of disclosure or publication in any manner, other than a willfully
15 unlawful disclosure or publication, of the identity of any self-excluded person.

16 (f) The minimum duration period for self-exclusion shall be one year. After completion
17 of one year, any person on the self-exclusion list may make application to the Commission on
18 a form prescribed by the Commission for removal from the self-exclusion list.

19 **§ 25158. Casino operator may exclude or remove excluded person.**

20 (a) It is lawful for a casino operator and an employee or agent of a casino operator
21 employed in or acting in connection with the casino and any person acting by the authority of
22 the casino operator, employee or agent to use such force as is reasonably necessary in order to
23 prevent any person who is the subject of a direction under 10 CMC § 25151 or § 25153 from

1 entering the casino or in order to remove any such person who remains in the casino, provided
2 that he does not do serious bodily injury to such person.

3 (b) In subsection (a) of this section the term serious bodily injury has the meaning
4 assigned to it in 6 CMC § 103(o).

5 **§ 25159. Excluded person not to enter or remain in casino.**

6 A person who is subject of a direction in writing under 10 CMC § 25151 or §
7 25153 shall not enter or remain in the casino to which the direction relates.

8 **§ 25160. Excluded person not be allowed in casino.**

9 A casino operator or employee or agent of a casino operator employed in or acting in
10 connection with the casino shall not allow or suffer any person who to his knowledge is subject
11 of a direction in writing under 10 CMC § 25151 or § 25153 in respect of that casino to enter or
12 remain in the casino.

13 **§ 25161. Powers of inspectors, etc., unaffected.**

14 Nothing contained in 10 CMC § 25151 to § 25159 operates to prevent any inspector or
15 any other person from exercising any power conferred on him by this or any other act or law to
16 enter, or to do any other act in relation to, a casino.

17 **§ 25162. Provision relating to minors in respect of casinos.**

18 (a) Persons under the age of 18 years shall not be, and shall not be permitted to be, in a
19 casino during the hours of operation of the casino on any day unless such person is employed
20 by a government law enforcement agency or the Commission or the casino and the presence of
21 such person in the casino during the operation of the casino is necessarily related to his/her
22 employment.

1 (b) A person under the age of 18 years who is found in a casino during the hours of
2 operation of the casino on any day is in violation of this chapter, unless such person is
3 employed by a government law enforcement agency or the Commission or the casino and the
4 presence of such person in the casino during the operation of the casino is necessarily related to
5 his/her employment.

6 (c) Unless such person is employed by a government law enforcement agency or the
7 Commission or the casino and the presence of such person in the casino during the operation of
8 the casino is necessarily related to his/her employment, a casino operator or employee or agent
9 of a casino operator employed in or acting in connection with the casino:

10 (1) shall not allow or suffer any person under the age of 18 years to enter or
11 remain in the casino at any time during the hours of operation of the casino on any day;

12 (2) shall remove or cause to be removed from the casino any person under the
13 age of 18 years who is found in the casino during the operation of the casino on any
14 day.

15 (d) (1) If a casino operator or employee or agent of a casino operator employed in
16 or acting in connection with the casino suspects that any person attempting to enter or
17 who is in the casino may be under the age of 18 years, he may request that person to
18 furnish him a certificate in the prescribed form, signed by that person, specifying the
19 true age of that person and in the case of a person under the age of 18 years who is
20 employed by a government law enforcement agency or the Commission or the casino, a
21 certificate of such employment.

22 (2) If a person, in being requested to furnish a certificate under this subsection:

1 (i) fails to furnish such certificate and attempts further to enter the
2 casino;

3 (ii) fails to furnish such a certificate and fails to leave the casino
4 voluntarily; or

5 (iii) furnishes a certificate that is false or misleading in any material
6 particular, he is in violation of this chapter.

7 (e) It is a defense in any proceedings for an offense under the subsection (c) of this
8 section to establish:

9 (1) that the defendant believed, on reasonable grounds, that the person in
10 question was of or above the age of 18 years; or

11 (2) that at the time of contravention of or failure to comply with the subsection
12 (c) of this section, the defendant had obtained from the person in question a certificate
13 referred to in subsection (d) of this section that indicated that person was of or above
14 the age of 18 years, or that such person was employed by a government law
15 enforcement agency or the Commission or the casino and the presence of such person
16 in the casino was necessarily related to that person's employment.

17 **§ 25163. Cheating.** Any person who in a casino:

18 (a) by any fraudulent trick, device, sleight of hand or representation;

19 (b) by any fraudulent scheme or practice;

20 (c) by the fraudulent use of any machine, equipment or other thing; or

21 (d) by the fraudulent use of any instrument or article of a type normally used in
22 connection with gaming or appearing to be of a type normally used in connection with gaming
23 obtains for himself or another person or induces any person to deliver, give or credit to him or

1 another person any money, chips, benefit, advantage, valuable consideration or security is in
2 violation of this chapter.

3 **§ 25164. Unlawful use of certain equipment, etc.**

4 Any person who in a casino uses or has in his possession:

5 (a) any chips that he knows are bogus or counterfeit chips; or

6 (b) any cards, dice or coins that he knows have been marked, loaded or tampered with;

7 or

8 (c) for the purpose of cheating or stealing, any equipment, device or thing that permits
9 or facilitates cheating or stealing, is in violation of this chapter.

10 **§ 25165. Detention of persons by casino operator, etc., in relation to offenses under**
11 **10 CMC § 25162 and 10 CMC § 25163.**

12 (a) Any of them:

13 (1) a casino operator;

14 (2) an employee or agent of a casino operator; or

15 (3) an inspector,

16 may in a casino detain in a suitable place therein any person who is or whom he
17 suspects on probable cause to be contravening or attempting to contravene 10 CMC § 25162 or
18 § 25163, using such force as is reasonably necessary for that purpose, until the arrival of the
19 police force at the place of detention.

20 (b) The person so detaining shall take such steps as are necessary to ensure the
21 summoning and arrival of a member of the police force with as little delay as possible.

22 **§ 25166. Detention, arrest, etc., of persons by member of the police force in**
23 **relation to offenses under 10 CMC §§ 25162 and § 25163.**

1 (1) Any member of the police force may in a casino detain in a suitable place therein
2 for a reasonable time any person who has or who is suspected on reasonable grounds to have
3 contravened or attempted to contravene 10 CMC §§ 25162 and 25163.

4 **§ 25167. Offenses relating to revenue.** Any person who willfully:

5 (a) evades the payment of any fee, tax or levy payable by him under the provisions of
6 this chapter;

7 (b) furnishes to the Executive Director or an inspector any return in respect of any fee,
8 tax or levy payable under the provisions of this chapter that is false in any material particular;
9 or

10 (c) makes any false statement or report to the Executive Director or an inspector in
11 respect of any fee, tax or levy payable under the provisions of this chapter, is in violation of
12 this chapter.

13 **§ 25168. Offenses relating to unauthorized games.**

14 A person shall not conduct in a casino any game unless the game is permitted to be
15 conducted in a casino pursuant to 10 CMC § 2596.

16 **§ 25169. Offenses relating to cheating by casino operator, etc.**

17 Any casino operator or employee or agent of a casino operator who in a casino
18 conducts any game in such a manner as to win or attempt to win from any person to himself or
19 any other person any money, chips or other valuable thing by any fraud, unlawful device or ill
20 practice is in violation of this chapter.

21 **§ 25170. Forgery and like offenses.** A person who:

22 (a) forges or counterfeits any chip purchase voucher, license, identification card or
23 other form of identification authorized to be issued under this chapter;

1 (b) knowingly utters any such chip purchase voucher, license identification card or
2 other form of identification so forged or counterfeited;

3 (c) impersonates any person named in any such license, identification card or birth form
4 of identification;

5 (d) falsely represents himself to be an inspector or an officer of the Tinian Casino
6 Gaming Control Commission;

7 (e) connives at any such forging, counterfeiting, uttering, personating or representing as
8 aforesaid; or

9 (f) knowingly makes a false statement in any application made under this chapter, is in
10 violation of this chapter.

11 **§ 25171. Bribery of officers of the Commission.**

12 (a) Any officer of the Commission who corruptly asks for, receives or obtains or agrees
13 to receive or obtain any money, property or benefit of any kind for himself or any other person:

14 (1) to forego or neglect his duty or influence him in the performance of his duty
15 as an officer of the Commission;

16 (2) on account of anything already done or omitted to be done or to be
17 afterwards done or omitted to be done by him in the discharge of his duty as an officer
18 of the Commission; or

19 (3) to use or take advantage of his office improperly to gain a benefit or
20 advantage for or facilitate the commission of an offense by another person is, in
21 addition to being in violation of the Criminal Code of the Commonwealth, in violation
22 of this chapter.

1 (b) Any person who corruptly gives, confers or procures or promises or offers to give or
2 confer or procure or to attempt to procure, upon or for any officer of the Commission or any
3 other person any money, property or benefit of any kind:

4 (1) to forego or neglect his duty or influence him in the performance of his duty
5 as an officer of the Commission;

6 (2) on account of anything already done or omitted to be done by him in the
7 discharge of his duty as an officer of the Commission;

8 (3) to use or take advantage of his office improperly to gain a benefit or
9 advantage for or facilitate the commission of an offense by another person, is, in
10 addition to being in violation of the Criminal Code of the Commonwealth, in violation
11 of this chapter.

12 **§ 25172. 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 necessary for
15 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 conjunction with a
19 licensee under this chapter;

20 (3) shall not be an employee in any capacity of a licensee under this chapter;

21 and

1 (4) shall not solicit or accept employment from or be an employee or business
2 or financial associate in any capacity of a licensee under this chapter within a period of
3 1 year after he ceases to be an officer of the Commission.

4 (b) A licensee under this chapter:

5 (1) shall not employ in any capacity or have as an employee a person who is an
6 officer of the Commission, or any member of that officer's immediate family as a
7 casino key employee; and

8 (2) shall not employ in any capacity or have as an employee or business or
9 financial associate a person who was an officer of the Commission with a period of 1
10 year after that person ceased to be an officer of the Commission.

11 (c) An officer of the Commission who knowingly has, directly or indirectly:

12 (1) any business or financial association with; or

13 (2) any business or financial interest in any matter in conjunction with a person
14 who becomes an applicant for a license under this chapter shall, immediately upon
15 becoming aware that such person has become an applicant:

16 (i) notify the Commission of such association or interest; and

17 (ii) if directed by the Commission, terminate the association or
18 relinquish the interest within a time specified by the Commission.

19 (d) The expression "licensee under this chapter" occurring in this section includes a
20 lessee under a casino lease and a casino operator under a casino management agreement.

21 **§ 25173. Entry to casino by members of the police force.**

22 (a) Any member of the police force may, in the discharge of his duty, enter any area of
23 a casino to which the public has access.

1 (b) Any such area is a public place for the purpose of the exercise by a member of the
2 police force of powers and the discharge by him of duties exercisable or, as the case may be, to
3 be discharged by him in a public place under any act or law.

4 (c) A member of the police force may, on being authorized so to do by an inspector on
5 duty at a casino, enter any other area of the casino in the discharge of his duty, provided that
6 this provision does not limit or prejudice the exercise by a member of the police force of any
7 other power he has pursuant to law to enter a casino or any part of it.

8 (d) When an inspector gives an authorization to a member of the police force in
9 accordance with subsection (c) of this section, he shall, where practicable, give notice of the
10 authorization to the person who is for the time being in charge of the operation of the casino.

11 (e) To the extent that this Section authorizes warrantless searches, the Commission and
12 its employees will act only pursuant to a waiver given by an applicant or licensee.

13 **§ 25174. Effect of casino license.**

14 (a) The operation of a casino pursuant to a casino license, in accordance with this
15 chapter and any other applicable act and the agreement as referred to in 10 CMC § 2532
16 relating to the particular license does not, in itself, constitute a public or private nuisance.

17 (b) Subject to subsection (c) of this section, nothing contained in 10 CMC § 2531
18 operates to validate or render enforceable a contract related to gambling that would, apart from
19 that section, be invalid or unenforceable.

20 (c) A contract to which subsection (b) of this section refers and to which the casino
21 operator is a party is enforceable against the casino operator.

22 **§ 25175. Protection of officers, etc.**

1 (a) No liability shall be incurred by the Commonwealth of the Northern Mariana
2 Islands, the Commission, the Commonwealth Department of Public Safety, any inspector or
3 any other officer of the Tinian Casino Gaming Control Commission, the Enforcement
4 Division, or any member of the police force or other person acting in aid of an inspector
5 pursuant to this chapter on account of anything done for the purposes of this chapter or done in
6 good faith and purporting to be for the purposes of this chapter.

7 (b) No liability shall be incurred by any person referred to in 10 CMC § 25165 or §
8 25166 who, acting pursuant thereto or acting in good faith and purporting to act pursuant
9 thereto, detains any person or exercises any other power thereunder.

10 **§ 25176. General civil penalty.**

11 A person who contravenes or fails to comply with any provision of this chapter is guilty
12 of an offense and, save where a specific civil penalty is otherwise provided, is liable, in case of
13 a body corporate, to a civil penalty of up to \$20,000 and, in the case of a natural person, to a
14 civil penalty of up to \$10,000. Provided, however, the Commission shall not attempt to assess
15 penalties and fines against any individual or entity who has not submitted an application for a
16 license to the Commission or received a license from the Commission.

17 **§ 25177. Proceedings for offenses.**

18 A prosecution for an offense against this chapter may be commenced within one year
19 from the time when the matter of complaint arose or within 6 months after the matter of
20 complaint comes to the knowledge of the complainant, whichever is the period later to expire.

21 **§ 25178. Institution of proceedings.**

1 (a) Without limiting the provisions of subsection (b) of this section, proceedings for an
2 offense against 10 CMC § 25163 or § 25164 may be instituted by a member of the Attorney
3 General's Office.

4 (b) Proceedings for an offense against this chapter may be instituted by the Executive
5 Director or by a person authorized in writing by the Commission referring any matters that the
6 Commission believes to be appropriate for criminal prosecution to the Office of the Attorney
7 General. The Attorney General's Office shall then review and evaluate the referral and
8 independently determine whether a criminal prosecution should be undertaken.

9 (c) In any case where power is given to arrest an offender, the power and authority to
10 proceed against an offender by way of complaint and summons under 6 CMC § 6101 also lies
11 and shall have full force and effect.

12 **§ 25179. Attempt to commit offense.**

13 (a) A person shall not attempt to commit an offense against this chapter.

14 (b) A person found in violation of the offense against this chapter is liable to the same
15 penalty as an offender convicted of the offense itself unless he proves that he desisted of his
16 own motion from the further prosecution of his intention without its fulfillment being
17 prevented by circumstances independent of his will, in which case he is liable to one half of the
18 penalty to which he would otherwise be liable.

19 (c) A person may be found in violation of attempting to commit an offense upon a
20 complaint charging him with that offense.

21 **§ 25180. Liability for offense by body corporate.**

22 (a) Where a body corporate commits an offense against this chapter, each of the
23 following persons shall be deemed to have committed the offense and, notwithstanding 6 CMC

1 § 301 or any other rule of law or practice, to be responsible for the act or omission concerned
2 therein and may be charged with the offense and punished accordingly:

3 (1) the person who at the time of the commission of the offense was the
4 chairman of directors, managing director, manager or other governing officer by
5 whatever name called and each member of the governing body by whatever name
6 called of the body corporate; and

7 (2) every person who, at the time of the commission of the offense, managed or
8 acted or took part in the management, administration or government of the business in
9 the Municipality or the Commonwealth of the body corporate.

10 (b) This section applies to as not to limit or affect in any way the liability of a body
11 corporate to be proceeded against and punished for an offense against this chapter committed
12 by it.

13 (c) It is a defense to a charge for an offense against this chapter brought against a
14 person specified in subsection (a)(1) or (a)(2) of this section to prove that the offense was
15 committed without that person's knowledge or consent or connivance and that he exercised
16 due diligence to prevent the commission of the offense.

17 (d) Personal liability for an offense committed by a body corporate shall be imposed
18 only against the officers, directors and shareholders of the corporation for those corporations
19 who have submitted an application for a license or who have been granted a license by the
20 Commission.

21 **§ 25181. Service of notices, documents, etc.**

22 (a) Save where any other provision of this chapter otherwise provides, any direction,
23 order, requisition or notice in writing or any other document or writing (hereinafter in this

1 section referred to as a document) required or authorized by this chapter to be given to or
2 served upon any person shall be taken to have been duly given or served if:

3 (1) it is served personally on the person to whom it is directed or on a person
4 authorized by that person, either generally or in a particular case, to accept service of
5 documents on his behalf;

6 (2) it is left at the place of residence or business of the person to whom it is
7 directed last known to the person who gives or serves it;

8 (3) it is sent by mail to the place of residence or business of the person to whom
9 it is directed last known to the person who gives or serves it; or

10 (4) where a manner of service is prescribed by any other chapter or law in
11 relation to a person or class of person, it is served in the manner so prescribed.

12 (b) Where any document is given or served, the person who gives or serves it may
13 attend before a justice and depose an oath and in writing endorsed on a copy of the document
14 to the manner of service thereof showing therein the date of personal service, leaving, posting
15 or service in any other manner prescribed as aforesaid, as the case may be, of such document.

16 **§ 25182. Evidentiary provisions.** In the proceedings under this chapter:

17 (a) it shall not be necessary to prove the appointment of the Commission, the Executive
18 Director, any inspector or any officer of the Tinian Casino Gaming Control Commission, the
19 Commonwealth Director of Public Safety, or any member of the police force;

20 (b) a signature purporting to be that of any person in any capacity referred to in
21 subsection (a) of this section shall be taken to be the signature it purports to be until the
22 contrary is proved. The evidentiary provisions of the Administrative Procedure Act shall apply
23 to all evidentiary hearings.

§ 25183. Regulations.

(a) The Commission may make regulations, not inconsistent with this chapter, for or with respect to:

(1) the types of work a casino key employee or casino employee may be licensed to perform and the compilation of a list or lists with respect thereto;

(2) arrangements and procedures for the taking of finger prints and palm prints of an applicant for a casino key employee license or a casino employee license;

(3) forms to be used for the purpose of this chapter and prescribing such forms and by whom prescribed forms or any particular prescribed forms shall be printed;

(4) restrictions or conditions to be placed upon the entry into the casino by persons who are not registered as guests of the casino-hotel;

(5) any matter or thing in relation to the administration of this chapter in respect of which a fee is payable and prescribing the amount of such a fee, except that no regulation can reduce the amount of the fees as listed in article 6 of this chapter;

(6) the control of advertising by casino licensees, lessees under casino leases and casino operators under casino management agreements in relation to casinos and their operation;

(7) offenses against the regulations and prescribing the amount of a penalty for an offense against any regulation, provided that any such penalty shall not exceed \$500;

(8) all matters required or permitted by this chapter to be prescribed where such matters are to be or may be prescribed by the regulations or where the method of prescription is not otherwise provided; and

1 (9) all matters that may be convenient for the administration of this chapter or
2 that may be necessary or expedient to achieve the objects and purposes of this
3 chapter; and

4 (b) such regulations shall be adopted, amended, and repealed in accordance with the
5 provisions of the Administrative Procedure Act.

6 (c) Consistent with the provisions of this chapter and the Administrative Procedure Act,
7 the Commission may, after notice provided in accordance with this subsection, authorize the
8 temporary adoption, amendment or repeal of any rule concerning the conduct of gaming or the
9 use or design of gaming equipment for an experimental period not to exceed 90 days for the
10 purpose of determining whether such rules should be adopted on a permanent basis in
11 accordance with the requirements of this section. Any temporary modification of rules or
12 similar rules experiment authorized by this subsection shall be conducted under such terms and
13 conditions as the Commission may deem appropriate.

14 (d) The commission shall, without limitation on the powers conferred in the preceding
15 section, include within its regulations the following specific provisions in accordance with the
16 provisions of this chapter:

17 (1) Prescribing the methods and forms of application which any applicant shall
18 follow and complete prior to consideration of his application by the commission;

19 (2) Prescribing the methods and procedures and forms for delivery of
20 information concerning any person's family, habits, character, associates, criminal
21 record, business activities and financial affairs;

22 (3) Prescribing procedures for the fingerprinting of an applicant, employee of a
23 licensee, or registrant, or other methods of identification which may be necessary in the

1 judgment of the commission to accomplish effective enforcement of restrictions on
2 access to the casino floor and other restricted areas of the casino hotel complex;

3 (4) Prescribing the manner and procedure of all hearings conducted by the
4 commission or any hearing examiner, including special rules of evidence applicable
5 thereto and notices thereof;

6 (5) Prescribing the manner and method of collection of payments of taxes, fees,
7 and penalties;

8 (6) Defining and limiting the areas of operation, the rules of authorized games,
9 odds, and devices permitted, and the method of operation of such games and
10 devices;

11 (7) Regulating the practice and procedures for negotiable transactions involving
12 patrons, including limitations on the circumstances and amounts of such transactions,
13 and the establishment of forms and procedures for negotiable instrument transactions,
14 redemptions, and consolidations;

15 (8) Prescribing grounds and procedures for the revocation or suspension of
16 operating certificates and licenses;

17 (9) Governing the manufacture, distribution, sale, and servicing of gaming
18 devices and equipment;

19 (10) Prescribing the procedures, forms and methods of management controls,
20 including employee and supervisory tables of organization and structure, alarm and
21 other electrical and visual security measures;

22 (11) Prescribing the qualification of, and the conditions pursuant to which,
23 engineers, accountants, and others shall be permitted to practice before the commission

1 or to submit materials on behalf of any applicant or licensee; provided, however, that
2 no member of the Tinian Municipal Council, nor any firm with which said member is
3 associated, shall be permitted to appear or practice or chapter in any capacity
4 whatsoever, except as to percipient witness, before the commission or division
5 regarding any matter whatsoever, nor shall any member of the family of the Mayor of
6 Tinian and Aguiguan or a member of the Council be permitted to so practice or appear
7 in any capacity whatsoever before the commission or division regarding any matter
8 whatsoever;

9 (12) Prescribing minimum procedures for the exercise of effective control over
10 the internal fiscal affairs of a licensee, including provisions for the safeguarding of
11 assets and revenues, the recording of cash and evidence of indebtedness, and the
12 maintenance of reliable records, accounts, and reports of transactions, operations and
13 events, including reports to the commission;

14 (13) Providing for a minimum uniform standard of accountancy methods,
15 procedures and forms; a uniform code of accounts and accounting classifications; and
16 such other standard operating procedures, as may be necessary to assure consistency,
17 comparability, and effective disclosure of all financial information, including
18 calculations of percentages of profit by games, tables, gaming devices and slot
19 machines;

20 (14) Requiring periodic financial reports and the form thereof, including an
21 annual audit prepared by a certified public accountant licensed to do business in the
22 Commonwealth, attesting to the financial condition of a licensee and disclosing

whether the accounts, records and control procedures examined are maintained by the licensee as required by this chapter and the regulations promulgated hereunder;

(15) Governing the advertising of casino licensees, their employees and agents, with the view toward assuring that such advertisements are in no way deceptive; provided, however, that such regulations shall not prohibit the advertisement of casino location, hours of operation, or types of games and other amenities offered, but in no circumstance shall permit the advertisement of information about odds, the number of games, or the size of the casino; and provided further, however, that such regulations shall require the words "Bet with your head not over it" to appear on all billboards, signs and other onsite advertising casino operation;

(16) Governing entertainment presented by casino licensees in accordance with the prevailing community standards as determined by the commission;

(17) Casino and casino licensee are subject to 4 CMC § 5511 et seq., and the regulations adopted thereunder by the Commonwealth Alcoholic Beverage Control Board except for:

(i) the regulation and control of hours that a casino may serve alcoholic beverages; and

(ii) the function and control as to when patrons must leave the casino.

(18) Limiting signs and other onsite advertising, with a view toward minimizing solicitation for gaming purposes from the public thoroughfares or otherwise dominating or despoiling the architecture or environment of the island;

(19) Requiring a gambling permit to be issued after showing that he or she has adequate financial resources; and

1 (20) Providing for minimum building code standards. Provided, however, that
2 such standards are in addition to any and all other building codes applicable to
3 construction on Tinian.

4 (e) The power to regulate conferred by this section includes the power to prohibit.

5 **§ 25184. Violations; civil penalties.**

6 Violations of this chapter shall be prosecuted by the Executive Director or his designee
7 before the Tinian Casino Gaming Control Commission or a hearing officer designated by said
8 Commission.

9 (a) For each violation of 10 CMC § 25141(c) the person found in violation shall be
10 subject to a civil penalty of up to \$1,000.

11 (b) For each violation of 10 CMC §§ 2528(c), 2533(c), 2594, 2596, 2598, 2599,
12 25100, 25114, 25116, 25117, 25119, 25120, 25131, 25141(b), 25144, 25159, 25160, 25162(c),
13 25162(d)(1), 25162(d)(2) or 25168 of this chapter the person found in violation shall be subject
14 to a civil penalty of up to \$5,000.

15 (c) For each violation of 10 CMC § 25163, 25164, 25167, 25169, 25171(a) or 25171(b)
16 of this chapter the person found in violation shall be subject to a civil penalty of up to \$50,000.

17 (d) Civil penalties to be assessed under this section may be assessed only against those
18 individuals or entities who have filed an application for a license or have received a license
19 from the Commission.

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

21 (f) All monies collected pursuant to this section shall be paid to the Tinian Municipal
22 Treasurer.

23 **§ 25185. Attorney fees and costs.**

1 Should it become necessary, in the opinion of the Commission, to enforce any
2 provision of this chapter against any licensee, then the licensee shall pay all reasonable
3 attorney fees and costs incurred by the Commission.

4 **§ 25186. Applicability of Chapter.**

5 This is a local law and it shall apply only in the Second Senatorial District (Tinian &
6 Aguiguan).

7 **§ 25187. Effective Date.**

8 This chapter shall take effect retroactive to April 18, 1993.

9 **Article 12. Declaration of Policy.**

10 **§ 25191. Declaration of Policy.**

11 The people of Tinian find and declare to be the public policy of the Second Senatorial
12 District, the following:

13 (a) The tourist, and resort industry of Tinian constitutes an essential component of its
14 economic structure and, if properly developed, controlled and fostered, is capable of providing
15 a substantial contribution to the general welfare, health and prosperity of Tinian, its
16 inhabitants, and the people of the Commonwealth.

17 (b) By reason of its location and prominence within the inhabited islands of the entire
18 Commonwealth, Tinian is a valuable asset in the tourist and resort industry of the Northern
19 Mariana Islands.

20 (c) The fostering and encouragement of the tourism and entertainment industries will
21 offer a unique opportunity for the inhabitants of Tinian and the entire Commonwealth to make
22 maximum use of the resources for the expansion and encouragement of a hospitality industry.

1 (d) Restricting the issuance of casino license to major hotel-casino complex is designed
2 to assure that casinos licensed pursuant to the provisions of this chapter are always offered and
3 maintained as an integral element of such hospitality facilities, rather than as the industry unto
4 themselves that they have become in other jurisdictions.

5 (e) An integral and essential element of the regulation and control of such casino
6 facilities rests in the public confidence and trust in the credibility and integrity of the
7 regulatory process and of casino operations. To further such public confidence and trust, the
8 regulatory provisions of this chapter are designed to extend strict regulation to all persons,
9 locations, practices and association, related to the operation of licensed casino enterprises and
10 all related service industries as herein provided. In addition, comprehensive law enforcement
11 supervision attendant thereto, is further designed to contribute to the public confidence and
12 trust in the efficacy and integrity of the regulatory process.

13 (f) Legalized casino gaming in Tinian can attain, maintain and retain integrity, public
14 confidence and trust, and remain compatible with the general public interest only under such a
15 system of control and regulation as insurer, so far as practicable, the exclusion from
16 participation therein of persons with known criminal records, habits or associations, and the
17 exclusion or removal from any positions of authority or responsibility within casino gaming
18 operations and establishments of any persons known to be so deficient in business probity,
19 ability or experience, either generally or with specific reference to gaming, as to create or
20 enhance the dangers of unsound, unfair or illegal practices, methods and activities in the
21 conduct of gaming or the carrying on of business and financial arrangements incident thereto.

22 (g) Since the public has a vital interest in casino operation on Tinian sanctioned by
23 passage of this chapter in conformity with the gambling provisions under the Commonwealth

1 Constitution, participation in casino operations as a licensee or registrant under this chapter
2 shall be deemed a revocable privilege conditioned upon the proper and continued qualification
3 of the individual licensee or registrant and upon the discharge of the affirmative responsibility
4 of each such licensee or registrant to provide to the regulatory and investigatory authorities
5 established by this chapter any assistance and information necessary to assure that the policies
6 declared by this chapter are achieved. Consistent with this policy, it is the intent of this chapter
7 to preclude the creation of any property right in any license, registration, certificate or
8 reservation permitted by this chapter, the accrual of any value to the privilege or participation
9 in gaming operation, or the transfer of any license, registration, certificate, or reservation, and
10 to require that participation in gaming be solely conditioned upon the individual qualification
11 of the person seeking such privilege.

12 (h) Since casino operations are especially sensitive and in need of public control and
13 supervision, and since it is vital, to the interests of the Municipality of Tinian to prevent entry,
14 directly or indirectly, into such operations or the ancillary industries regulated by this chapter
15 of persons who have pursued economic gains in an occupational manner or context which are
16 in violation of the criminal or civil public policies, the regulatory and investigatory powers and
17 duties shall be exercised to the fullest extent consistent with law to avoid entry of such persons
18 into the casino operations or the ancillary industries regulated by this chapter.

19 (i) Since the development of casino gaming operations on Tinian will substantially
20 impact the physical environment of this island in the Commonwealth, and since it is necessary
21 to insure that this substantial alteration be beneficial to the overall ecology of the island,
22 regulatory and investigatory powers and duties conferred by this chapter shall include, in

1 cooperation with other public agencies, the power and duty to monitor and regulate casinos and
2 the growth of casino operations to respond to the needs of the community.

3 (j) The facilities in which licensed casinos are to be located are of vital law
4 enforcement and social interest to the Commonwealth, and it is in the public interest that the
5 regulatory and investigatory powers and duties conferred by this chapter include the power and
6 duty to review architectural and site plans to assure that the proposal is suitable by law
7 enforcement, aesthetic and architectural standards.

8 (k) Since the economic stability of casino operations is in the public interest and fair
9 and competition in the casino operation of Tinian is important, the regulatory and investigatory
10 powers and duties conferred by this chapter shall include the power and duty to regulate,
11 control and prevent economic concentration in the casino operations and the ancillary
12 industries regulated by this chapter, and to encourage and preserve competition.

13 (l) It is in the public interest that the institution of licensed casino establishments be
14 strictly regulated and controlled pursuant to the above findings and pursuant to the provisions
15 of this chapter, which provisions are designed to engender and maintain public confidence and
16 trust in the regulation of the licensed enterprises, to provide a meaningful and permanent
17 contribution to the economic viability of the resort and tourist industry of Tinian and the
18 Commonwealth.

19 (m) Continuity and stability in casino gaming operations cannot be achieved at the risk
20 of permitting persons with unacceptable backgrounds and records of behavior to control casino
21 gaming operations contrary to the vital law enforcement interests of Tinian and the
22 Commonwealth.

1 (n) The aims of continuity and stability of law enforcement officials will best be served
2 by a system in which continuous casino operation can be assured under certain circumstances
3 wherein there has been a transfer of property or another interest relating to an operating casino
4 and the transferee has not been fully licensed or qualified, as long as control of the operation
5 under such circumstances may be placed in the possession of person or persons in whom the
6 public may feel a confidence and a trust.

7 (o) A system whereby the suspension or revocation of casino operations under certain
8 appropriate circumstances causes the imposition of conservatorship upon the suspended or
9 revoked casino operation serves both the economic and law enforcement interests involved in
10 casino gaming operations.”

11 **SECTION 5. SEVERABILITY.**

12 If any provision of this Act or the application of any such provision to any person or
13 circumstance should be held invalid by a court of competent jurisdiction, the remainder of this
14 Act or the application of its provisions to persons or circumstances other than those to which it
15 is held invalid shall not be affected thereby.

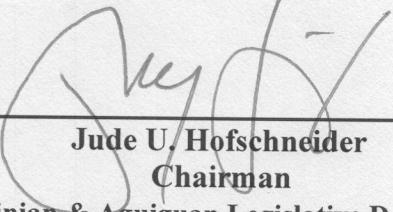
16 **SECTION 6. SAVINGS CLAUSE.**

17 This Act and any repealer contained herein shall not be construed as affecting any
18 existing right acquired under contract or acquired under statutes repealed or under any rule,
19 regulation or order adopted under the statutes. Repealers contained in this Act shall not affect
20 any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not
21 have the effect of terminating, or in any way modifying, any liability, civil or criminal, which
22 shall already be in existence on the date this Act becomes effective.


SECTION 7. EFFECTIVE DATE.

This Act shall take effect upon its approval by the Governor or it becoming law without such approval.

CERTIFIED BY:

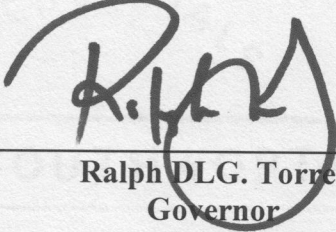


Jude U. Hofschneider
Chairman
Tinian & Aguiguan Legislative Delegation



Blas Jonathan "BJ" T. Attao
Speaker
House of Representatives

Approved this 30th day of MARCH, 2020.



Ralph DLG. Torres
Governor
Commonwealth of the Northern Mariana Islands