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CHEROKEE NATION GAMING
COMMISSION

Administrative Procedures Act Posting

TYPE OF ACTION:

The Cherokee Nation Gaming Commission (CNGC) is soliciting comments from the public on possible revisions to Chapter III, Section (P) of the Rules and Regulations of the Cherokee Nation Gaming Commission pertaining to “Excluded Persons.”

SUMMARY

Chapter III, Section (P) of the Rules and Regulations of the Cherokee Nation Gaming Commission is designed to meet the requirements the Cherokee Nation - State of Oklahoma Compact (“Gaming Compact”) regarding excluded or barred individuals from Cherokee Nation Gaming Facilities. This rule was previously published for public comment and enactment by the Gaming Commission following the March 2021 meeting of the Commission. However, because this publication contained typographic errors with respect to the time-period allowing for public comment the Commission hereby solicits additional public comment for this section as provided herein. Upon the close of the public comment period such comments will be received by the Gaming Commission and taken into consideration for possible future revisions to this regulation.

SCOPE

Chapter III, Section (P) applies to all the employees of the Cherokee Nation Entertainment and the Cherokee Nation Gaming Commission. The Section also applies to members of the public who have been excluded from entry into any gaming facility licensed by the Cherokee Nation Gaming Commission, whether voluntarily or involuntarily, to the extent practicable / allowed by law.

AUTHORITY

4 CNCA § 22(B)
Cherokee Nation-State of Oklahoma Compact Part 5(E) (1)-(4).

Cherokee Nation Code Annotated, 1 CNCA § 303 (allowing for the CNGC to solicit comments from the public on a subject matter of possible rulemaking under active consideration within the agency by giving public notice of the subject matter and indicating where, when, and how persons may comment.)

COMMENT PERIOD

Public comment may be submitted to the Cherokee Nation Gaming Commission beginning on May 29th, 2021 through June 28th, 2021.

Comments may be submitted electronically at gaming-commission@cherokee.org. Written comments may be sent to the Cherokee Nation Gaming Commission, P. O. Box 627, Tahlequah, OK 74465 and must be postmarked by the date above.

A copy of the current Cherokee Nation Gaming Commission Rules and Regulations may be obtained by submitting a request electronically or in writing using either of the above electronic & physical addresses.

The Tribal-State Compact may be accessed by visiting the Bureau of Indian Affairs' website at <https://www.bia.gov/as-ia/oig/gaming-compacts>



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CHEROKEE NATION GAMING COMMISSION

RULES AND REGULATIONS

CHAPTER:	Rules & General Accountability	CHAPTER #:	III
SUBJECT:	Excluded Persons	SECTION – SUBSECTION:	P
EFFECTIVE DATE:	04/25/2021	SUPERSEDES MATERIAL DATED:	
APPROVED BY:		DATE:	

PURPOSE

The following Regulations are designed to meet the requirements of the Cherokee Nation Code, Title 4 § 20 *et. seq.* and the Cherokee Nation - State of Oklahoma Compact (“Compact”) regarding barred individuals from Cherokee Nation Gaming Facilities.

SCOPE

This Section applies to all the employees of the Enterprise and Cherokee Nation Gaming Commission. The Section also applies to members of the public that have been excluded from entry into any gaming facility licensed by the Cherokee Nation Gaming Commission, whether voluntarily or involuntarily, to the extent practicable / allowed by law.

Authority

Title 4 §§ 20, 22, 28, 60, & 65 CNCA
Tribal-State Compact Part 5, Section E
Off-Track Wagering Compact Section 9

A. DEFINITIONS

1. *Cherokee Nation Gaming Commission (CNGC)* – The regulatory body established by the Cherokee Nation to oversee and regulate the conduct of gaming on Indian lands owned or leased by the Cherokee Nation or the Enterprise.
2. *Enterprise* – The entity conducting gaming operations on behalf of or as authorized by the Cherokee Nation under the terms of the Indian Gaming Regulatory Act or pursuant to a Tribal-State Compact to which the Nation is a party.

3. *Involuntary Exclusion* – The act of disallowing an individual’s continued presence in the gaming facility or its grounds as well as refusing future entry until the end of the term of the involuntary exclusion, if ever; Involuntary Exclusions may be enacted by the Enterprise.
4. *Self-Exclusion* – Voluntarily having oneself barred from any gaming facility under the jurisdiction of the CNGC and from all gaming-related activities and privileges, including check cashing privileges; the receipt of direct-marketing and promotional materials regarding gaming opportunities, junket solicitations, player club memberships, complimentary goods and services, and collection of any winnings or recovery of any losses during the exclusionary period.
5. “Bar” shall mean any exclusion from a gaming facility for any period up to a lifetime.

B. BARRED PATRON LISTING

1. CNGC requires that, at a minimum, the Enterprise bar persons based on their prior conduct at a Gaming Facility or who, because of their criminal history or association with criminal offenders, pose a threat to the integrity of the conduct of covered games.¹
2. The Enterprise shall establish policies and procedures policies and procedures to detail its methods for barring patrons on an Involuntary or Self-Exclusion. These policies and procedures must be approved by CNGC.
3. CNGC requires that the Enterprise establish a Barred Patron Listing which lists Involuntary Exclusions and Self-Exclusions from its gaming facilities. CNGC shall have access to the Barred Patron Listing.²
4. The Enterprise shall employ its best efforts to exclude persons on the Barred Patron List from entry into its facility; provided neither persons who are barred but gain access to the facility, nor any person, shall have a claim against the Cherokee Nation or the Enterprise or any other person for failing to enforce such a bar.³
5. Patrons who believe they may be playing covered games on a compulsive basis may request that their names be placed on the Barred Patron List as a Self-Exclusion.⁴

¹ Part 5 §E(1) of the Compact.

² Part 5 §E(2) of the Compact.

³ Part 5 §E(3) of the Compact.

⁴ Part 5 §E(4) of the Compact.