

# *The Chickasaw Nation*

## GAMING COMMISSIONER'S REGULATIONS



### Comprising

- Title 2: Gaming Licenses and Permits,
- Title 3: Gaming,
- Title 4: Records,
- Title 5: Administrative Hearings,
- Title 6: Environment, Public Health, & Safety,
- Title 7: Marketing & Promotional Activities,
- Title 8: Prize Claims,
- Title 9: Tort Claims,
- Title 10: Barred and Banned Individuals,
- Title 11: Enforcement  
and
- Title 12: Boxing & Other Activities

## EFFECTIVE DATE OF REGULATIONS AND DISTRIBUTION

The Chickasaw Nation Code Title 3, Ch. 3, Sections 3-3101(B), 3-3407(A), 3-3500, 3-3501(A, B), 3-3502 (A, B) provides: *The Chickasaw Nation Office of the Gaming Commission (CNOGC) is responsible to determine that the “The Chickasaw Nation Public Gaming Act of 1994” (Tribal Gaming Ordinance) is followed, and create, implement and enforce Regulations therefore.* Currently, **The Chickasaw Nation Gaming Commissioner’s Regulations** are embodied in eleven (11) separately adopted regulations and not as a single code of regulations. These regulations and the effective date are as follows:

<b>Title 2: Gaming Licenses and Permits</b>	<b>(Effective 01-01-2009)</b>
<b>Title 3: Gaming</b>	<b>(Effective 01-05-2011)</b>
<b>Title 4: Records</b>	<b>(Effective 01-05-2010)</b>
<b>Title 5: Administrative Hearings</b>	<b>(Effective 01-01-2009)</b>
<b>Title 6: Environment, Public Health, &amp; Safety</b>	<b>(Effective 10-01-2010)</b>
<b>Title 7: Marketing &amp; Promotional Activities</b>	<b>(Effective 01-01-2010)</b>
<b>Title 8: Prize Claims</b>	<b>(Effective 09-25-2014)</b>
<b>Title 9: Tort Claims</b>	<b>(Effective 09-25-2014)</b>
<b>Title 10: Barred Individuals</b>	<b>(Effective 08-25-2016)</b>
<b>Title 11: Enforcement</b>	<b>(Effective 08-25-2016)</b>
<b>Title 12: Rules for Boxing and Other Activates</b>	<b>(Effective 06-16-2012)</b>

In addition, over the years Title 8 was amended by CNOGC order and Title 12 was amended on two occasions by separate CNOGC orders. These orders and the effective date thereof may be found at the end of the regulations in this web publication.

### PREFACE Forward

This Preface and the subsequent Table of Contents are not part of the original regulations but were prepared as an introduction for the readers benefit as part of the CNOGC web page.

On January 1, 2009, the CNOGC by creating and implementing new regulations effectively repealed and replaced gaming regulations first created and implemented as the *“Compact Gaming Regulations issued on the 23<sup>rd</sup> day of February, 2005, to be effective March 1, 2005”* by the *Chickasaw Nation Office of Public Gaming*, a CNOGC predecessor. The first set of Chickasaw Nation Gaming Regulations were issued in chapters and sections and included regulatory matters covering:

- **COMPACT**
- **OFFICE OF THE GAMING COMMISSIONER**
- **LICENSING**
- **ACCOUNTING AND AUDITING**
- **GAME CLASSIFICATIONS**
- **TECHNICAL STANDARDS AND PROCEDURES**
- **CARD GAMES**
- **PRIZE CLAIMS**
- **TORT CLAIMS**
- **ENVIRONMENTAL, HEALTH AND SAFETY**
- **SECURITY**
- **SURVEILLANCE**

January 1, 2019, is the ten (10) year anniversary of the creation and implementation of the current regulations. CNOGC is in the process of rewriting the current regulations to create, adopt and implement regulations that will update the current regulations and the subsequent changes into one single set or code. Great care is being taken to ensure the scope of all the necessary and complete regulations effective prior to 2019 are included and remain essentially unchanged in legal and regulatory effect except to update and consolidate provisions to provide for more clarity. A subsequent revision will further add *Title 1-Definitions* of words and phrases previously provided for only in *Title 2-Gaming Licenses and Permits*.

## **Title, Chapter and Numbering System**

There are 11 separate regulatory titles identified by name of the subject matter to be covered. Each section number consists of three parts with the first number representing the title number, second number following the dash representing the chapter number with the position identified by applicable consecutive numbers following the period.

## **Future Amendments, Revisions and Additions**

Generally, amendments to these can be identified by a notation at the bottom left margin of the affected or added section, *Effective*” followed by the date thereof. Title 8 and Title 12 have been amended by adding sub-sections to existing sections through a separate commissioner order. These orders may be found at the end of the regulations.

## **Acknowledgement**

All past and present Chickasaw Nation Gaming Regulations were skillfully and effectively created, and subsequently implemented and enforced. They have survived the test of time as a testament to the servant leadership of all prior and present CNOGC team members in their focus and commitment to the Chickasaw Nation and improving the quality of life of all Chickasaw people, while in compliance with applicable Chickasaw Nation, Federal (IGRA), and Tribal-State Compact requirements. Any subsequent 10<sup>th</sup> anniversary revisions are not intended to remove and repeal existing legally required Regulations or to lessen the effect thereof, but to take advantage of an opportune time to revisit the Regulations and while continuing the effective nature thereof, determine and make the needed changes and updates.

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# *The Chickasaw Nation*

## GAMING COMMISSIONER'S REGULATIONS

### *Title 2: Gaming Licenses and Permits*

#### **Chapter 1. Definitions**

##### **Section 2-1.01 Definitions**

Definitions for words used in this Chapter shall be:

1. "Chickasaw Code" or "Code" means laws of the Chickasaw Nation.
2. "CNDC" means the Chickasaw Nation Division of Commerce, which is the section of Management of the Chickasaw Nation with direct responsibility for a Gaming Facility location.
3. "Compact" means any effective gaming Compact entered into by the Chickasaw Nation and the State of Oklahoma and published in the Federal Register.
4. "Conditional Gaming License" means one that is issued by the Gaming Commissioner with limitations or requirements that must be met by the License holder and may be suspended or revoked as provided for in these Regulations.
5. "Covered Game Employee" means any individual employed by the CNDC, whose responsibilities include the rendering of services with respect to the operation, maintenance or management of Covered Games. The term "Covered Game Employee" includes, but is not limited to, the following: managers and assistant managers; accounting personnel; surveillance and security personnel; cashiers, supervisors, and floor personnel; cage personnel; and any other person whose employment duties require or authorize access to areas of the facility related to the conduct of Covered Games or the maintenance or storage of Covered Game components. This shall not include elected officials of the Chickasaw Nation. The Gaming Commissioner may, at his discretion, include other persons employed at or in connection with the Chickasaw Nation within the definition of Covered Game Employee;
6. "Day Pass" means a temporary identification badge issued by the Gaming Commissioner authorizing a person to enter into a Gaming Facility through a non-public access area.
7. "Determination" means the final determination of the Gaming Commissioner in regard to a Claim.

8. "Gaming Commissioner" means the person holding such title and heading the Office of the Gaming Commissioner of the Chickasaw Nation as described in Title 2, Section 2-2401 et seq. of the Chickasaw Code. The Gaming Commissioner is not a board or agency of the Nation; rather, an officer created by the Chickasaw Code with power and authority from the Chickasaw Code and the executive department of the Nation to make Regulations concerning the Nation's regulatory responsibility in regard to the Nation's gaming. As the context dictates, means the individual, his office, subordinate, and/or designees with responsibility to carry out the administrative responsibilities outlined in these regulations, including but not limited to Determination(s) required by these Regulations.
9. "Gaming Facility" means any property of the Chickasaw Nation that is licensed by the Gaming Commissioner to engage in Class II and/or Class III gaming.
10. "Gaming License Application" means the form developed by the Office of the Gaming Commissioner that is completed by applicants in order to obtain a Gaming License or a Gaming Permit and is used by the Office of the Gaming Commissioner to complete a background investigation.
11. "Gaming Code" means the current codified Chickasaw gaming law authorizing gaming by the Chickasaw Nation as approved by the National Indian Gaming Commission.
12. "Gaming License" means a License issued by the Gaming Commissioner that grants the License holder certain privileges as described within this Title.
13. "Gaming Permit" means a Permit issued by the Gaming Commissioner that grants the License holder certain privileges as described within this Title.
14. "Gaming Vendor" means the owner, distributor, or manufacturer of any game being operated in a Gaming Facility.
15. "Hearing Officer" means the Gaming Commissioner, or a designee of the Gaming Commissioner, directed to mediate or hear and determine the merit of a Claim under these Regulations.
16. "IGRA" means the Indian Gaming Regulatory Act. Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, codified at 25 U.S.C. Section 2701 et seq. and 18 U.S.C. Sections 1166 to 1168.
17. "Indian Country" means those lands of the Chickasaw Nation within the description of Chickasaw Nation's constitutional boundaries meeting the description of Indian Country in 18 U.S.C. §1151 and is the definition of "lands" as used in Tribal-State Gaming Compact, Section 22, Part 2.4 and/or referred to as

“Indian Lands” Section 22, Part 5.L.

18. “Key Employee” or “Management Official” means those employees as defined in Title 3, Section 3-3306 of the Chickasaw Code.
19. “Legal Counsel” means any person who as a member of the Chickasaw Bar Association is licensed to practice law before the Courts of the Nation.
20. “Nation” means the Chickasaw Nation, a federally recognized Indian nation; the government initiated in the constitution of Chickasaw Nation or it shall mean the physical Chickasaw Nation itself, depending upon reference.
21. “NIGC” means the National Indian Gaming Commission as created by IGRA and as may be amended by federal law.
22. “Notice” Notice shall be deemed made by regular posting to the address of all persons described herein, by hand delivery from the Gaming Commissioner or his delegate, by email, or by telephone confirmed facsimile.
23. “Office of the Gaming Commissioner (CNOGC)” means the office that is headed by the Chickasaw Nation’s Gaming Commissioner.
24. “Patron” means any individual, customer, or gaming participant who enters a Gaming Facility with the purpose or intent of engaging in gameplay.
25. “Principal” means with respect to any entity, the service agent and proprietor or partner trustee, beneficiary or shareholder holding five percent (5%) or more beneficial or controlling ownership either directly or indirectly, or any officer, director, principal management employee or key employee thereof.
26. “Regulation(s)” means these Regulations authorized by Chickasaw Code and any compact enacted by the Chickasaw Nation and authorized by the Department of the Interior.
27. “State” means State of Oklahoma.
28. “Temporary Gaming License” means a License that is issued by the Gaming Commissioner for a limited period of time not to exceed ninety (90) days, and may be revoked without notice or cause by the Gaming Commissioner.

(Effective 2-1-2005)

### **Section 2-1.02 Minimum Requirements of Gaming Licenses and Gaming Permits**

Any Gaming Licenses and Gaming Permits issued by the Gaming Commissioner shall comply with IGRA, NIGC regulations, the Chickasaw Code, current compacts and/or these Regulations.

### **Section 2-1.03 Minimum Requirements of Applicants**

Applicants shall submit sufficient information and identification to allow the Office of the Gaming Commissioner to perform a background investigation to determine if a Gaming License or Gaming Permit should be issued in accordance with the IGRA, NIGC regulations, the Chickasaw Code, current compacts and/or these Regulations.

(Effective 2-1-2005)

## **Chapter 2. Gaming Licenses**

### **Section 2-2.01 Types of Gaming Licenses**

I. The Gaming Commissioner shall issue types of Gaming Licenses as described in this section. Entities e.g. vendors, will be issued certificates of licenses and persons, e.g. employees of the CNDC, CNOGC, and/or vendors, will be issued cards of license, as needed, in order for License holders to access or view sensitive or secure areas of a Gaming Facility, which includes but is not limited to non-public areas of a Gaming Facility, data, or information of CNDC as determined by the Gaming Commissioner. The following types of Gaming Licenses may be issued by the Gaming Commissioner:

- A. Class A - Class A Gaming Licenses are issued to the Gaming Commissioner and Office of the Gaming Commissioner staff.
- B. Class B - Class B Gaming Licenses are issued to Key Employees, Management Officials, Covered Game Employees, and any other employees who perform any of the following functions:
  - 1. Access to gaming related software, hardware, or equipment;
  - 2. ; Review or collect patron information;
  - 3. Draft promotional rules;
  - 4. Coordinate and/or perform promotions;
  - 5. Distribute awards;
  - 6. Communicate directly with vendors,
  - 7. Access to sensitive information as determined by the Gaming Commissioner.
- C. Class C - Gaming Licenses are issued to all persons or entities not addressed in Class A or Class B as required by Chickasaw Code, any Compact, and these Regulations or at the discretion of the Gaming Commissioner.

II. At the discretion of the Gaming Commissioner, any type of Gaming License may carry an additional designation as a Temporary Gaming License or a Conditional Gaming License as the Gaming Commissioner or his designee sees fit.

III. Consistent with the Compact Section 22, Part 10 et. seq. Covered Game Employees will receive a Class B Gaming License.

**Section 2-2.02 Applications & Background Investigation Required for Gaming Licenses**

I. Prior to issuing a Gaming License, the following information must be on file with the Gaming Commissioner:

- A. Completed Gaming License Application;
- B. Applicant background investigation results satisfactory to the Gaming Commissioner or his designee; and
- C. Written consent to the jurisdiction of the courts of the Chickasaw Nation and to the jurisdiction of the Office of the Gaming Commissioner.

II. Before an application for a Class C Gaming License can be considered completed, applications from the following Entities and affiliated persons shall also be submitted:

A. For Game Vendors and Game Related Vendors:

- (a) Entity,
- (b) Principals,
- (c) All other affiliated persons which include, but are not limited to:
  - (i) On-site representatives, agents, contractors or subcontractors; or
  - (ii) Personnel, agents, contractors or subcontractors who have access, whether directly or indirectly, to information and/or financial systems.

B. For all others:

- (a) Entity,
- (b) Principals,
- (c) All other affiliated persons which include, but are not limited to:

- (i) On-site representatives, agents, contractors or subcontractors; or
- (ii) Personnel, agents, contractors or subcontractors who have access, whether directly or indirectly to information and/or financial systems.

### **Section 2-2.03 Fees for Background Investigations**

The fees for background investigations will be addressed annually by order of the Gaming Commissioner, provided the Gaming Commissioner may upon thirty (30) day written notice issue an emergency order to amend fee charges.

### **Section 2-2.04 Variance Requests**

Unless specifically addressed or otherwise prohibited by law, the Gaming Commissioner has the inherent authority to grant variances from any rule or regulation.

### **Section 2-2.05 Gaming License Suitability Determinations**

I. The Gaming Commissioner or designee will examine the Gaming License application and background investigation results to determine an applicant's suitability for a license in accordance with applicable law.

[Revised 8-2008]

II. The Gaming Commissioner or designee shall assign the Gaming License type to be issued for each entity and/or person licensed under these Regulations, including any additional designation as temporary or conditional. The Office of the Gaming Commissioner shall send or deliver written notice of such designation to each entity and/or person and, if applicable, notice of any licensing fee that may need to be paid prior to the issuance of a License. .

All Gaming Licenses shall automatically be designated as a Temporary Gaming License for the first ninety (90) days after issuance by the Gaming Commissioner or designee. The Gaming Commissioner reserves the right to extend such designation.

III. Should the State designated agency under the authority of any Compact with the Nation or the NIGC object in writing to any Gaming License issued by the Office of the Gaming Commissioner, the Gaming Commissioner or designee shall evaluate the objection, examine any work papers, notes and exhibits and take the appropriate action. The Gaming Commissioner is not obligated to take any action against a Gaming License

by virtue of an objection by the State designated agency under the authority of any Compact with the Nation.

(Effective 2-1-2005)

### **Section 2-2.06 Term of Gaming License**

I. Each Gaming License issued shall have a term not to exceed a period of more than two (2) years, however, the Gaming Commissioner or designee may in writing extend a license period during an active Gaming License renewal process of the Gaming Commissioner.

II. The Office of the Gaming Commissioner has a continuing duty to investigate the qualification of any Gaming License holder and may take appropriate action with respect to renewal, issuance, suspension or revocation of a Gaming License at any time with or without advance notice.

(Effective 2-1-2005)

### **Section 2-2.07 Display of Gaming License**

Upon entering a Facility, all persons who possess a Gaming License, no matter the designation, shall wear the Gaming License in plain view, above the waist, and on the outside of any clothing while on duty and/or while performing an official job function at a Facility,. Upon proper application, a Day Pass may be assigned if the Gaming License is unavailable for display.

(Effective 2-1-2005)

### **Section 2-2.08 Gaming License Suspension**

A Gaming License may be suspended under Nation's Code, Title 3, Section 3-3503.

(Effective 2-1-2005)

### **Section 2-2.09 Gaming License Revocation**

I. A license issued to any person or entity shall be revoked if:

A. The person and/or Principal(s), thereof have been convicted of a felony.

B. The person or entity has knowledge or willfully provided false material, statements or information on any application for license for which such person or entity has responsibility.

- C. The person or entity has associations that pose a threat to the public interest, or effective regulation and control or conduct of gaming.
- D. The person or entity enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct or control of gaming.
- E. The person or entity poses a threat to gaming.
- F. The person or entity, by reason of employment and/or move in employment, or by contact with an entity has knowledge of operations of any Gaming Facility which pose a danger to gaming and the Person does not voluntarily surrender the person's or entity's license.

II. Gaming License revocation shall be automatic and without appeal during any period of Bar Determination. If the Gaming Commissioner or designee seeks revocation of a Gaming license for any of the six (6) categories noted above, the Gaming Commissioner or designee shall act in accordance with these regulations.

III. The Gaming Commissioner may act personally or through a designee at the administrative hearing.

IV. Appeal from a Gaming License revocation Determination shall be in accordance with Title 5 of these Regulations.

V. Any surrender of a Gaming License after Notice of Hearing on License Revocation shall result in findings of fact placed in the license file of any person(s) or entity so noticed. Prior to any Gaming License being issued in the future to such person(s) or entity, the Gaming Commissioner or designee shall hold a private hearing with the applicant present to determine license suitability.

(Effective 2-1-2005)

### **Section 2-2.10 Revocation/Surrender/Expiration of Class C Entity Gaming License**

Any revocation, surrender or expiration of a Class C Gaming License of an entity will result in the automatic revocation(s)/suspension(s) of the Gaming License of any person or entity with a related Gaming License for that term.

(Effective 2-1-2005)

## **Section 2-2.11 Temporary Gaming Licenses**

I. No Temporary Gaming License may be issued unless the person or entity making application:

- A. Represents in writing that the standards for a Gaming License set forth in these Regulations, the Code and any Compact are met by the applicant(s);and
- B. Completes all necessary forms as required by the Gaming Commissioner.

II. At the discretion of the Gaming Commissioner or designee, the Temporary Gaming License period may be extended in specified increments, but no more than ninety (90) days at a time.

III. The Temporary Gaming License shall terminate upon one or more of the following:

- a. Expiration ;or
- b. The granting of a Gaming License;or
- c. The revocation or denial of a Gaming License.

IV. The Gaming Commissioner or designee may suspend or revoke a Temporary Gaming License at any time with or without cause.

(Effective 2-1-2005)

## **Chapter 3. Gaming Permits**

### **Section 2-3.01 Types of Gaming Permits**

I. In addition to issuing Gaming Licenses, the Gaming Commissioner has the inherent authority pursuant to Section 3-3407 of the Tribal Code to issue Gaming Permits, which will allow Permit holders to have physical access to non-public areas of a Gaming Facility. However, the Permit holder will not have the ability to access or view sensitive or secure areas of a Gaming Facility, data, or information of CNDC, or otherwise participate in gaming related activity as defined by the Indian Gaming Regulatory Act codified at 25 U.S.C. § 2701. et. seq. The following types of Gaming Permits may be issued:

- A. Class AA: Non-Licensed employees of the Nation, including but not limited to:

1. Hospitality employees of a Gaming Facility,
2. Drink clerks,
3. Janitorial employees,
4. Food service employees, and
5. Environmental and/or Health Inspectors.

B. Class BB: Gaming Permits are issued to all persons or entities not addressed in Class AA at the discretion of the Gaming Commissioner.

II. The fees for background investigations will be addressed annually by order of the Gaming Commissioner, provided the Gaming Commissioner may upon thirty (30) day written notice issue an emergency order to amend feecharges.

III. Any person holding a Gaming Permit will not be considered to have met the requirements for a Gaming License.

IV. Gaming Permits may be designated as "Temporary" or "Conditional" at the discretion of the Gaming Commissioner or his designee. Such Temporary or Conditional Gaming Permits may be issued for a specific time period and may be revoked without notice.

### **Section 2-3.02 Applications & Background Investigation Required for Gaming Permits**

Prior to issuing a Gaming Permit, the following information must be on file with the Gaming Commissioner:

- A. Completed Gaming Permit Application;
- B. Applicant background investigation results satisfactory to the Gaming Commissioner or his designee; and
- C. Written consent to the jurisdiction of the courts of the Chickasaw Nation and to the jurisdiction of the Office of the Gaming Commissioner.

### **Section 2-3.03 Gaming Permit Suitability Determination**

I. The Gaming Commissioner or designee will examine the Gaming Permit application and background investigation results to determine an applicant's suitability for a license

in accordance with applicable law.

[Revised 8-2008]

The Gaming Commissioner or designee shall assign the Gaming Permit type to be issued for each entity and/or person licensed under these Regulations, including any additional designation as temporary or conditional. The Office of the Gaming Commissioner shall send or deliver written notice of such designation to each entity and/or person and, if applicable, notice of any licensing fee that may need to be paid prior to the issuance of a License. .

II. All Gaming Licenses shall automatically be designated as a Temporary Gaming Permit for the first ninety (90) days after issuance by the Gaming Commissioner or designee. The Gaming Commissioner reserves the right to extend such designation.

III. Should the State designated agency under the authority of any Compact with the Nation or the NIGC object in writing to any Gaming Permit issued by the Office of the Gaming Commissioner, the Gaming Commissioner or designee shall evaluate the objection, examine any work papers, notes and exhibits and take the appropriate action. The Gaming Commissioner is not obligated to take any action against a Gaming Permit by virtue of an objection by the State designated agency under the authority of any Compact with the Nation.

### **Section 2-3.03 Term of Gaming Permit**

I. Each Gaming Permit issued shall have a term not to exceed a period of more than two (2) years, however the Gaming Commissioner or designee may in writing extend a Gaming Permit period during an active Gaming Permit renewal process.

II. The Gaming Commissioner has a continuing duty to investigate the qualification of any Gaming Permit holder and may take appropriate action with respect to renewal, issuance, suspension or revocation of a Gaming Permit at any time with or without advance notice.

### **Section 2-3.04 Display of Gaming Permit**

Upon entering a Facility, all persons who possess a Gaming Permit, no matter the designation, under these Regulations shall wear the Gaming Permit in plain view, above the waist, and on the outside of any clothing while on duty and/or while performing an official job function at a Facility., and. Upon proper application a Day Pass may be

assigned if the Gaming Permit is unavailable for display.

### **Section 2-3.05 Suspension or Revocation**

A person possessing a Gaming Permit may have the Gaming Permit suspended.

### **Section 2-3.06 Revoking a Gaming Permit**

I. A Gaming Permit shall not be issued and if already issued, must be revoked if:

- A. The Person and/or Principals have been convicted of a gaming related felony.
- B. The Person or Entity has knowledge or willfully provided false material, statements or information on any application for which such person or entity has responsibility.
- C. The Person or Entity has associations that pose a threat to the public interest or effective regulation and control or conduct of games.
- D. The Person or Entity enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct or control of games.
- E. The Person or Entity poses a threat to the operation of gaming.
- F. The Person or Entity, by reason of employment and/or move in employment, or by contact with an entity has knowledge of operations of any Facility which pose a danger to the operation of gaming and the person does not voluntarily surrender the person's or entity's Gaming Permit.

II. Gaming Permit revocation shall be automatic and without appeal during any period of bar Determination. If the Gaming Commissioner seeks revocation of Gaming Permit for any of the six (6) categories noted above, the Gaming Commissioner shall act in accordance with the Gaming Commissioner's Regulations.

III. The Gaming Commissioner may act personally or through a designee at the Administrative Hearing.

IV. Appeal from a Gaming Permit revocation Determination shall be in accordance with

Title 5 of these Regulations.

V. Any surrender of a Gaming Permit after Notice of Hearing on Gaming Permit Revocation shall result in findings of fact placed in the license file of any person(s) or entity so noticed. Prior to any Gaming License or Gaming Permit being issued in the future to such person(s) or entity, the Gaming Commissioner or designee shall hold a private hearing with the applicant present to determine suitability.

VI. Any revocation or surrender of a Gaming Permit of an entity will result in the revocation(s) of the Gaming Permit of any individual or entity with a related Gaming Permit.



# *The Chickasaw Nation*

## GAMING COMMISSIONER'S REGULATIONS

### *Title 3: Gaming*

#### **Part 1. Classification**

**(Reserved)**

#### **Part 2. Paper Bingo Games**

**(Reserved)**

#### **Part 3. Electronic Games**

**(Reserved)**

#### **Part 4. Non-Housed Banked Card Games**

**(Reserved)**

#### **Part 5. Off-Track Wagering**

**(Reserved)**

## Part 6. Broadcast Games

### Section 3-6.01 Purpose and Authority

The following Regulations are issued pursuant the Gaming Commissioner's authority under Chickasaw Code, Chapter 3, Section 3-3101 *et. seq.* and the Compact with the State of Oklahoma offered at 3A Okla. Statute Section 281 *et. seq.* noted in Chickasaw law in General Resolution 21-039 of 2004. Part 5 of the State Question 712 Compact between the Chickasaw Nation and the State of Oklahoma ("SQ 712 Compact) authorizes under state and tribal law these rules and regulations. These Regulations are subject to the regulation process identified by the Gaming Commissioner. Technical Standards for Broadcast Games as may be attached as an addendum are considered rules under the Compact and are subject to less strict guidelines for modification.

- I. The broadcast of games, whether utilizing or not utilizing the internet/worldwide web, by Chickasaw Nation shall be conducted in accordance with fair and equitable standards to ensure that the interests of Patrons are safeguarded against unfair, misleading or deceptive trade practices as determined by Chickasaw law. All Broadcast Game activities shall be performed in an honest and lawful manner and in accordance with these Regulations and any Technical Standards as currently adopted or as may be adopted and/or hereinafter amended.
- II. A Broadcast Game(s) must be conducted at a Gaming Facility licensed by the Gaming Commissioner. The Patron of a Broadcast Game is deemed present at the Broadcast Game origin point by means of an aid used by the Patron to communicate game decisions to the point of play.
  - A. These Regulations and other rules described as Technical Standards are designed to outline and authorize Broadcast Game(s) whether utilizing or not utilizing the internet/worldwide web. Because current federal law places limitations on interstate internet usage in wagering, the Regulations and Rules, herein described as Technical Standards, specifically limit internet/worldwide web application to intrastate internet communications within the borders of the State of Oklahoma.
  - B. The SQ 712 Compact described above with the State of Oklahoma specifically describes and authorizes the play of card games. The Broadcast Game(s) described herein specifically include and authorize, without limitation thereto, the play of cards as a Broadcast Game(s). Further, without limitation thereto these Regulations and Technical Standards authorize the intrastate use of the internet/worldwide web in Broadcast Game play.

### **Section 3-6.02 Definitions**

The definition below is in addition to the definitions contained within Title 2 of the Gaming Commissioner's Regulations which are hereby incorporated by reference.

"Broadcast Game(s)" means those games that allow a Patron the ability to review game play and communicate game decisions by means of aid(s) from a location remote from the actual licensed Gaming Facility host site that originates the game. The aid (the broadcast medium) merely allows the Patron to communicate game decisions to the host site that originates the game. This definition specifically allows a Patron to communicate game decisions to the host licensed Gaming Facility from a remote location.

### **Section 3-6.03 Review by Gaming Commissioner**

- I. The Gaming Commissioner shall review all rules of play of any Broadcast Game hosted by the Chickasaw Nation prior to being offered to the public. No broadcast activity shall occur without such review and written approval of the referred to rules by the Gaming Commissioner.
- II. The Administrator of the CNDC or designee who possesses a valid gaming license shall submit all Promotional Activities for review by the Gaming Commissioner in accordance with Title 7 of the Gaming Commissioner's Regulations.

### **Section 3-6.04 Submission Requirements for Approval of Broadcast Game**

Each request for approval of a Broadcast Game shall contain the following information:

- I. A letter of intent from the Administrator of the CNDC or designee;
- II. Rules of play for each game type;
- III. Procedures for opening Patron Broadcast Game accounts;
- IV. Procedures for depositing of funds into Patron Broadcast Game accounts;
- V. Procedures for Patron collection of winnings and removal of funds from Patron Broadcast Game accounts, including all taxable income information;
- VI. Location of the licensed Gaming Facility host site that originates and documents game play, (i.e. actual game play location);
- VII. Pamphlet of rules of play; and
- VIII. Procedures for storing, producing and/or recovering game play records for potential Patron Prize Claim.

### **Section 3-6.05 Opening Patron Broadcast Game Accounts**

- I. Any Broadcast Game shall require an individual Patron to appear at a licensed Gaming Facility and personally open a Patron Broadcast Game account prior to the Patron engaging in any play of a Broadcast Game. Each account shall require the following information:
  - A. Patron name;
  - B. Patron address;
  - C. Copy of acceptable form of identification necessary to meet federal tax reporting standards; and
  - D. Personal identification number (PIN) or electronic signature.
- II. Patron Broadcast Game account information must be maintained in accordance with all Chickasaw Nation Gaming Commissioner Regulations and Chickasaw Nation Tribal Internal Control Standards (TICS) as approved by the Gaming Commissioner or designee.

### **Section 3-6.06 Deposit of Funds into Patron Broadcast Game Account**

Any Broadcast Game shall require a deposit of funds to an individual Patron Broadcast Game account and must meet, at a minimum, the following requirements:

- I. Initial deposit of funds transactions must be completed by the Patron opening the account and the Patron proposing to play and participate in a Broadcast Game; and
- II. All subsequent deposit of funds into the Patron Broadcast Game account must be deposited at a licensed Gaming Facility by the Patron or the Patron's designated agent.

### **Section 3-6.07 Withdrawing of Funds from a Patron Broadcast Game Account**

Any collection of winnings or removal of funds from a Patron Broadcast Game account must meet the following requirements:

- I. The collection of winnings or removal of funds transactions must be completed by the Patron Broadcast Game account owner; and
- II. The collection of winnings or removal of funds transactions must occur at a licensed Gaming Facility.

### **Section 3-6.08 Patron Prize Claims**

Title 8 of the Gaming Commissioner's Regulations is incorporated herein by reference. For purposes of prize claim filings the Gaming Commissioner shall accept a claim filed against a licensed Gaming Facility where the game originates and/or any licensed Gaming Facility where a Patron has opened an account; deposited funds; collected winnings or removed funds.

### **Section 3-6.09 Audit/Monitor Responsibilities**

At a minimum, the Gaming Commissioner or designee shall audit/monitor the following activities and records of the Broadcast Game:

- I. The opening and closing of a Patron Broadcast Game account at a licensed Gaming Facility;
- II. The Patron play of the game; and
- III. The collection of winnings and removal of funds from a Patron Broadcast Game account at a licensed Gaming Facility.

### **Section 3-6.10 Enforcement**

In accordance with Title 2 and Title 11 of the Gaming Commissioner's Regulations, the Gaming Commissioner may suspend, revoke the Gaming License/Permit held by any individual or entity who engages in any acts or practices which violate these Regulations. The Gaming Commissioner may also issue penalties and sanctions as necessary and appropriate under the circumstances.

### **Section 3-6.11 Administrative Hearings**

Title 5 of the Gaming Commissioner's Regulations is incorporated herein by reference.

### **Section 3-6.11 Appeals**

All appealable decisions of the Commissioner shall be filed with the Chickasaw Nation District Court within thirty (30) days of decision or determination. Any District Court review of the hearings described in this Title shall be limited to review of the official record of the hearing as heard by the Hearing Officer, and no additional discovery shall be allowed in an appeal to the District Court.



# *The Chickasaw Nation*

## GAMING COMMISSIONER REGULATIONS

### *Title 4: Records*

#### **Part 1. General**

##### **Section 4-1.01 Purpose and Authority**

The following Regulations are issued pursuant to the Gaming Commissioner's authority under Chickasaw Code, Chapter 3, Section 3-3101 et. seq., and designed to meet requirements of 25 CFR Part 542 and Part 543 and the gaming Compact(s) entered into by the State of Oklahoma and the Chickasaw Nation ("Nation") for record requirements consistent with the Compact's designation of authority to the Chickasaw Nation Gaming Commissioner ("Gaming Commissioner").

#### **Part 2. Reporting Standards**

##### **Section 4-2.01 Internal Control Standards**

All gaming activity shall comply with the Nation's Tribal Internal Control Standards as approved by the Gaming Commissioner and all books and records shall be maintained in accordance with generally accepted accounting principles and Compact(s).

##### **Section 4-2.02 Records**

- I. In addition to other records required to be maintained, the Chickasaw Nation Division of Commerce (CNDC) shall maintain the following records in written or electronic form which shall be available for inspection by the Gaming Commissioner or CNOGC staff:
  - A. Surveillance logs- A log recording all Surveillance activities in the monitoring room of the Facility, including but not limited to Surveillance record(s) kept in the normal course of CNDC operations and in accordance with industry standards. Record(s) shall include video tapes and any other storagemedia;
  - B. Pay-outs - Pay-outs from the conduct of all Games;
  - C. Maintenance logs -Maintenance logs for all Game equipment used within the Facility;
  - D. Security logs - Security logs as kept in the normal course of conducting and maintaining security at the Facility, which at a minimum shall conform to industry practices for such reports. The Security logs shall document any unusual or non-standard activities, occurrences or events at or related to the Facility or in connection

with the CNDC. Each incident, without regard to materiality, shall be assigned a sequential number for each such report. At a minimum, the Security logs shall consist of the information consistent with the SQ 712 Compact, Section 22, Part 5.4.

E. Books and Records - Books and records on all Covered Game activities of the CNDC shall be maintained in accordance with generally accepted accounting principles and Compact(s).

II. All records referenced in section I above shall be made available to the SCA for no less than three (3) years from the date generated so long as the Nation's SQ 712 Compact is in effect.

III. All records related to the licensing and permitting of CNDC employees and vendors who provide services to any of the Nation's Gaming Facilities shall be retained in accordance with existing Nation policy.

#### **Section 4-2.03 Supervisory Line of Authority**

I. The CNDC shall provide the Gaming Commissioner a chart of the supervisory lines of authority of CNDC and for each Gaming Facility with respect to those persons directly responsible for the conduct of games or matters directly affecting gaming activities during the month of May each year.

II. The Gaming Commissioner shall maintain a copy of the line of authority with respect of those persons directly responsible for the conduct of Covered Games at each Facility and send a copy thereof to the SCA within thirty (30) days of receipt so long as the Nation's SQ 712 Compact is in effect.

III. The CNDC shall update the Gaming Commissioner within thirty (30) days of material change in such line of authority. The Gaming Commissioner shall update the SCA as soon as practical thereafter consistent with responsibility under SQ 712 Compact, Section 22, and Part 5.H.

#### **Section 4-2.04 Destruction of Documents**

I. Books, records and other materials documenting the conduct of games shall be destroyed only in accordance with the Nation's Tribal Internal Control Standards (TICS).

II. If in conflict with the Nation's TICS, books, records and other materials documenting the conduct of Covered Games shall be destroyed only in accordance with the SQ 712 Compact, Section 22, Part 5.K.

#### **Section 4-2.05 Records of Games.**

I. Every month the Gaming Commissioner shall be advised by the CNDC by the location of each Facility, the number and type of games in each Facility including the identifying number of each Player Terminal and table.

II. Not less than every three (3) months, the Nation shall report the current information referenced above for games operated by the Nation under the SQ 712 Compact to the SCA) as required by the SQ 712 Compact, Section 22, Part 5.M.

#### **Section 4-2.06 Reporting of Prize Awards**

- I. The CNDC shall send a copy of any W2Gs and 1099s for Prizes to the Gaming Commissioner as requested.
- II. The Gaming Commissioner may forward any such report to the SCA or the NIGC upon request.

### **Part 3. Audits**

#### **Section 4-3.01 IGRA Required Audits**

- I. The Indian Gaming Regulatory Act (IGRA) and Title 3 of the Chickasaw Code require that the Nation have an annual audit of each gaming operation on Indian lands.
  - A. All audits shall be conducted in accordance with the most recent federal regulations as adopted by the National Indian Gaming Commission and published in the Federal Register. The same shall also be conducted in accordance with any variances as approved by the Gaming Commissioner and the NIGC.
  - B. CNDC shall simultaneously file a copy of the audits described in this section with the NIGC and the Gaming Commissioner.

#### **Section 4-3.02 SQ 712 Required Audits**

- I. Not less than annually the accounting department of the Nation shall ensure that an independent financial audit of Games is conducted as required in the SQ 712 Compact, Section 22, Part 5.F with notice of the date of such audit commencement provided to the Gaming Commissioner.
- II. The selection of the auditor(s) shall be made by the executive branch of Nation. In the absence of such selection for more than one year from the prior audit, the Gaming Commissioner shall select the auditor(s) as required by the SQ 712 Compact, Section 22, Part 5.F.
- III. The audit shall be concluded within five (5) months following the close of a calendar year.
  - A. If an audit will not be completed within the time stated above, the CNDC shall apply to the Gaming Commissioner for an extension with explanation justifying extension attached.

- B. Upon a finding that CNDC has met the requirements for extension stated in the SQ 712 Compact, Section 22, 5.F.3. the Gaming Commissioner shall issue an order that extension is granted and notify the SCA of the same.

IV. At conclusion of the annual audit, the auditor shall in writing certify to CNDC and the Gaming Commissioner that in the course of audit duties required by the Compact, no matters within the scope of the Covered Games were determined or believed to be in violation of any provisions of the Compact.

- A. The audit report for conduct of Games shall be submitted to the Gaming Commissioner within ten (10) days of completion.
- B. The Gaming Commissioner shall submit the report to the SCA within thirty (30) days of completion.

V. Should SCA desire to meet with auditor(s) to discuss issues as allowed by the SQ 712 Compact, Section 22, Part 5.F.8, the SCA shall contact the Gaming Commissioner or his designee and the Gaming Commissioner shall arrange such discussion with auditor(s), Nation accounting, CNDC and Gaming Commissioner or his designee present for such communication(s) between SCA and auditor(s).

#### **Section 4-3.03 Internal Audits**

In the event an internal audit of the Nation's Gaming Facilities for compliance with the NIGC's Minimum Internal Control Standards and the Nation's Tribal Internal Control Standards or an audit of the financial statements of the Gaming Facilities is conducted, the same shall be filed with the Gaming Commissioner at the same time it is filed with CNDC.

#### **Section 4-3.04 Interpretations**

Whenever requested the Gaming Commissioner may issue an official interpretation of the NIGC's Minimum Internal Control Standards (MICS), the Nation's Tribal Internal Control Standards (TICS), or any other applicable law or federal regulation reasonably related to the operation of the Nation's Gaming Facilities. All requests should be filed in writing with the Gaming Commissioner and should state with specificity the need, scope, and purpose for the official interpretation. If deemed necessary, the Gaming Commissioner or his designee will issue an official written opinion within ninety (90) days to the requesting party.

#### **Section 4-3.05 Variances**

I. CNDC may seek a variance from any of the audit requirements described in this Section by filing the same with the Gaming Commissioner at least sixty (60) days prior to the variance being implemented. The Gaming Commissioner shall either approve or disapprove of the

requested variances within thirty (30) days from the date the variance request is filed with the Gaming Commissioner.

II. Any variance that requires the approval of the NIGC must comply with the NIGC's Regulations governing variances. CNDC shall file with the Gaming Commissioner all requests for a NIGC variance in the same time and manner as required by the NIGC's Regulations.

## **Part 4. Document Review**

### **Section 4-4.01 NIGC Monitoring of Gaming Activity**

I. All requests received from the National Indian Gaming Commission (NIGC) to review Nation owned or generated documents shall be forwarded to the Gaming Commissioner immediately upon receipt.

II. All scheduled site visits conducted by the NIGC at any Nation operated Gaming Facility for the purposes of reviewing Nation owned or generated documents shall be coordinated with the Gaming Commissioner.

III. The Gaming Commissioner shall be immediately notified by CNDC of any unscheduled site visit conducted by the NIGC at any Nation operated Gaming Facility regardless of the nature, purpose or scope of the unscheduled visit.

### **Section 4-4.02 SCA Monitoring of the 712 Compact**

I. All requests received from the SCA to review Nation owned or generated documents shall be forwarded to the Gaming Commissioner immediately upon receipt.

II. The reviewing, copying or inspection of Nation owned or generated documents by the SCA shall be conducted in accordance with the 712 Compact.

III. All scheduled site visits conducted by the SCA at any Nation operated Gaming Facility for the purposes of reviewing Nation owned or generated documents shall be coordinated with the Gaming Commissioner and conducted in accordance with the 712 Compact.

IV. The Gaming Commissioner shall be immediately notified by CNDC of any unscheduled site visit conducted by the SCA at any Nation operated Gaming Facility regardless of the nature, purpose or scope of the unscheduled visit. Additionally, any unscheduled visit by the SCA at any Nation operated Gaming Facility shall be conducted in accordance with the 712 Compact.

## **Part 5. Payments to the State of Oklahoma**

### **Section 4-5.01 Generally**

I. The Compact, Section 22, Part 11, requires the Nation to make payment to the State of Oklahoma which fall into three (3) categories:

- A. Start-up Assessment as described in Compact, Section 22, Part 11.C.
- B. Annual Oversight Assessment as described in Compact, Section 22, Part 11.B.
- C. Exclusivity fees as described in Compact, Section 22, Part 11.A.

### **Section 4-5.02 Assessments**

I. Start Up Assessment. The Nation shall direct the accounting department to send a cashier's check for Fifty Thousand Dollars (\$50,000.00) to the State of Oklahoma as payee and deliver the same to the SCA as the Start Up Assessment required by the Compact.

II. Annual Oversight Assessment. At the date directed for payment of Start Up Assessment, the accounting department shall direct that the Annual Oversight Assessment fee be paid. The fee is Thirty Five Thousand Dollars (\$35,000.00) for a twelve (12) month period ending on June 30 each year. Should the initial payment be on a date other than June 30, the amount paid as the Annual Oversight Assessment fee shall be apportioned for the months remaining in the year and the apportioned amount sent to the SCA with correspondence describing the method of calculation.

III. During the last week in June of each year, the accounting department shall prepare and deliver a cashier's check to the SCA for the Annual Oversight Assessment until such time as the Nation shall withdraw from this Compact or the same expire by the Compact terms.

### **Section 4-5.03 Exclusivity Fee**

I. The accounting department shall maintain an accurate accounting of the Adjusted Gross Revenues of all Electronic Games operated by the Facilities. Not later than the twentieth (20) day of the month, the accounting department shall determine the Adjusted Gross Revenues for the preceding month and shall pay the Adjusted Gross Revenue fee for Covered Games to the Treasurer of the State of Oklahoma in the percentage required by Compact, Section 22, Part 11.A.2.

- A. All fee calculation spreadsheets shall be reviewed prior to release of payment.
  - 1. Such spreadsheets shall be signed by the individual(s) who perform original calculation and;

2. Such spreadsheets shall be signed by individuals performing review.

B. All figures and calculations for such spreadsheets shall originate from the books and records of Covered Game play.

II. The accounting department shall maintain an accurate accounting of the accumulation of any Card Game pool operated by Facilities. Not later than the twentieth (20th) day of the month, the accounting department shall determine and pay ten percent (10%) of the monthly net win (if any) of the common pool(s) or pot(s) from which Prizes are paid for Card Games to the Treasurer of the State of Oklahoma as outlined in Compact, Section 22, Part 11.A.2.d.

A. All fee calculation spreadsheets shall be reviewed prior to release of payment.

1. Such spreadsheets shall be signed by the individual(s) who perform original calculation and;

2. Such spreadsheets shall be signed by individuals performing review.

B. All figures and calculations for such spreadsheets shall originate from the books and records of Covered Game play.

C. The CNDC accounting department shall cause to be paid to the Treasurer of the State of Oklahoma and a similar amount from said Card Game pool(s) or pot(s) to the Nation.

III. The CNDC shall be responsible to create player pool(s) or pot(s) as required by Compact and approved by the Gaming Commissioner.

A. The CNDC may loan, each pool or pot created, funds sufficient to maintain a common pool(s) or pot(s) from which to pay winners.

B. If CNDC loans a created pool(s) or pot(s) the sufficient funds necessary to maintain common pool(s) or pot(s) from which to pay winners, then CNDC shall establish a base line for each pool or pot and loan money on a continuing basis in the event of loss to maintain such pool base line.

C. The Gaming Commissioner shall be advised in writing of the base line for each pool or pot amount of monies originally loaned and thereafter loaned each pool and the reasons therefore.

D. After payment of the State of Oklahoma and the Nation from card pool for net win for any month, the accounting department may direct amounts be removed from any pool or pot to make repayment of loans from CNDC and/or other direct costs provided such direct payment to CNDC shall not reduce a pool below a baseline.

- E. Any time the CNDC desires to dissolve a pool or pot the same shall be addressed by lottery in a manner proscribed by CNDC and approved by the Gaming Commissioner. Nothing herein prevents repayment of all pool or pot loans and/or other direct costs of CNDC from such pool liquidation before lottery, provided CNDC has received the prior approval of the Gaming Commissioner to conduct this activity.

IV. CNDC shall file with the Gaming Commissioner, no less than annually, a statement of expenses that are allowable deductions or direct expenses from the player(s) pool(s).

## **Part 6. NIGC Fees**

### **Section 4-6.01 Payments to the NIGC**

- I. The Indian Gaming Regulatory Act allows for the National Indian Gaming Commission (NIGC) to assess fees on the Nation for the conduct and operation of its Gaming Facilities.
- II. CNDC shall remit all fees to the NIGC in accordance with the most recent federal regulations as adopted by the National Indian Gaming Commission and published in the Federal Register.
- III. CNDC shall file a report with the Gaming Commissioner describing the fees paid to the NIGC at the same time those fees are remitted to the NIGC.
- IV. Any correspondence received by CNDC from the NIGC regarding the payment(s) of fees shall be filed immediately with the Gaming Commissioner upon receipt.



# *The Chickasaw Nation*

## GAMING COMMISSIONER'S REGULATIONS

### *Title 5: Administrative Hearings*

#### Chapter 1. General

##### **Section 5-1.01 Purpose**

The purpose of this Regulation is to set forth the general procedure for administrative hearings before the Gaming Commissioner. Unless otherwise provided for by a more specific regulation, the following procedures shall be followed in administrative hearings before the Gaming Commissioner.

##### **Section 5-1.02 Conduct of Administrative Hearings**

At all administrative hearings listed below, the Gaming Commissioner may hear all matters directly or assign a Hearing Officer. For the purposes of this Title, the term "Hearing Officer" includes but is not limited to the Gaming Commissioner, any member of the Gaming Commissioner's staff designated by the Gaming Commissioner to hear a particular matter, or any other person employed by the Nation including independent contractors.

##### **Section 5-1.03 Types of Administrative Hearings**

The following types of administrative hearings will heard by the Gaming Commissioner or the Hearing Officer under this Title:

- I. Hearings to revoke or suspend a Gaming License or Gaming Permit.
- II. Appeal Hearings for revoked or suspended Temporary Gaming License or Temporary Gaming Permit.
- III. Hearings concerning disputes with Chickasaw Nation Division of Commerce ("CNDC") Management and/or Chickasaw Nation ("Nation") Gaming Facilities ("Facilities").
- IV. Hearings to Bar persons and/or entities from the Nation's Facilities.
- V. All other administrative hearings not covered by a more specific regulation.

##### **Section 5-1.04 Service**

I. Except as otherwise provided in these Regulations, all notices and other documents required by law or regulation to be served, may be served by personal delivery or first class mail and/or by publicly posting the same within the affected Facility(ies). If a

Notice or other document(s) is sent by the Hearing Officer by first class mail, it shall be deemed to have been received by the licensee or the patron five (5) days after it is deposited with the United States Postal Service with the postage thereon prepaid. Service by mail is not necessary if the Gaming Commissioner or Hearing Officer has no address for the person. Provided however, upon a verified application of actual failure of notice, the Gaming Commissioner may vacate the notice of hearing for failure of notice and reschedule the hearing.

II. Administrative appeal hearings may only be initiated in the following manner:

- A. Administrative appeal hearings for revoked or suspended Temporary Gaming Licenses or Temporary Gaming Permits may be requested by the affected person or entity or by his/her/its legal counsel by making a written request for such a hearing to the Commissioner or Hearing Officer within ten (10) days of Temporary Gaming License or Temporary Gaming Permit being revoked or suspended.
- B. Administrative hearings for persons desiring to withdraw a Bar determination issued pursuant to a self-exclusion request may be made by the person subject to the Bar or his/her legal counsel upon written application for such a hearing to the Commissioner at any time within the time the Bar is in effect.

III. The Notice shall be in substantial compliance with the following form:

Case No. \_\_\_\_\_

Notice of Hearing to \_\_\_\_\_ *(insert purpose)*  
for

\_\_\_\_\_  
Name of Person(s) and/or Entity(s)

Pursuant to duties under the Chickasaw Nation Code and Gaming Commissioner's Regulations, a hearing has been scheduled to determine \_\_\_\_\_

The hearing on this matter will be held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, \_\_\_\_\_m. at \_\_\_\_\_ Facility. You may appear, testify under oath, have Legal Counsel licensed by the Nation represent you, and contest or assert any evidence pertinent to such revocation.

Your failure to appear will result in a default judgment granted by the Gaming Commissioner for you and/or the entity you represent.

Prior to such hearing, you may voluntarily surrender your license.

The Gaming Commissioner or hearing officer will enter a Determination concerning this matter, which may be appealed to the Nation's courts.

\_\_\_\_\_  
Gaming Commissioner or designee

IV. Generally, notice of the administrative hearing must be served by the Hearing Officer on each of the parties at least ten (10) days before the hearing, unless the Gaming Commissioner or Hearing Officer reasonably determines that a lesser notice period is appropriate or as required by specific law or regulation.

## **Chapter 2. Prize Claim Hearings**

Any Prize Claim that a patron may have against any of the Nation's Facilities must be filed by the patron in accordance with Title 8 of these Regulations.

## **Chapter 3. Tort Claim Hearings**

Any Tort Claim that a patron may have against any of the Nation's Facilities must be filed by the patron in accordance with Title 9 of these Regulations.

## **Chapter 4. Conduct of Administrative Hearings**

### **Section 5-4.01 Generally**

- I. All administrative hearings will be conducted:
  - A. By the Hearing Officer designated by the Gaming Commissioner.
  - B. At such times and places, within this Nation, as may be convenient for the Hearing Officer.
  - C. The hearings shall be conducted in the same manner as a judge would preside over a judicial proceeding.
- II. At the discretion of the Hearing Officer, all or part of the administrative hearing may be conducted by telephone.
- III. A reporter shall take down the proceedings in the same manner as a judicial proceeding, which shall include but is not limited to administering the oath of witnesses the taking and marking of hearing exhibits.
- IV. Unless otherwise ordered by Hearing Officer, the parties may submit written memoranda of points and authorities at any time before the administrative hearing. The Hearing Officer may order or allow the parties to file written memoranda of points and authorities after the conclusion of the hearing.
- V. At the administrative hearing, the Hearing Officer shall state his/her understanding of the facts, and allow the person or entity subject to the administrative hearing the opportunity to be heard and present evidence.

### **Section 5-4.02 Reporter**

I. The Gaming Commissioner shall appoint a qualified person to act as a reporter for matters before the Commissioner. Such person shall be responsible for to deliver written testimony of all depositions to the Hearing Officer for filing in any case and deliver copies to interested Legal Counsel.

II. The official reporter shall be responsible to report all depositions and hearings held by the Hearing Officer absent a written order of alternate appointment.

III. The Gaming Commissioner shall pay for the deposition of the Claimant and the presence of the reporter at all hearings. Hearing transcript expense shall be paid by the party requesting a copy of the hearing transcript. Any party requesting a deposition shall pay for all costs and copies associated with such deposition.

IV. The reporter shall make reasonable charges for services and copies provided. Any party that contests the charges made, shall do the same by written filing before the Hearing Officer.

V. Reporter charges, when properly billed, shall be paid by the obligated party within thirty (30) days. Failure to pay reporter charges within the time provided without written protest filed before the Hearing Officer may result in the sanction of Legal Counsel and dismissal of the claim.

### **Section 5-4.03 Presentation of Evidence at Hearing**

I. Oral evidence shall be taken only upon oath or affirmation.

II. Parties to an administrative hearing shall have the right to call and examine witnesses; to introduce exhibits relevant to the issues of the case, including the transcript of testimony at any investigative hearing conducted by or on behalf of the Gaming Commissioner; to cross-examine opposing witnesses in any matters relevant to the issue of the case; to impeach any witness, regardless of which party called him to testify; and to offer rebuttal evidence.

III. Any person who is a party to the hearing and chooses not to testify in his/her own behalf may be compelled to testify and be subject to either a direct or cross-examination.

IV. Presentation of deposition testimony shall be by submission for later review by the Hearing Officer.

#### **Section 5-4.04 Admissibility of Evidence**

- I. Any relevant evidence may be admitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action.
- II. The parties or their counsel may by oral or written stipulation agree that certain evidence be admitted even though such evidence might otherwise be subject to objection.
- III. Irrelevant and unduly repetitious evidence should not be admitted.
- IV. The Hearing Officer shall either sustain or overrule objections offered by a party on evidentiary matters in the same manner as a judge would in a judicial proceeding. The Hearing Officer shall note objections made by the parties on evidentiary matters and determine admissibility at any time prior to a final determination.

#### **Section 5-4.05 Depositions**

The testimony of any material witness, regardless of where the witness is domiciled, may be taken by deposition in the manner provided by law and may be used at the hearing, provided the deposition(s) occurring outside the Nation's Indian Country the parties must agree in writing and have written approval of the Hearing Officer. The Office of the Gaming Commissioner will pay for the deposition of the party filing seeking an administrative proceeding; however, any subsequent depositions must be paid by the party call the deponent.

#### **Section 5-4.06 Official Notice**

The Hearing Officer may take official notice of any generally accepted information or technical or scientific matter, and of any other fact which may be judicially noticed by the courts of this Nation. The parties must be informed of any information, matters or facts so noticed and must be given a reasonable opportunity, on request, to refute such information, matters or facts by evidence or by written or oral presentation of authorities. The manner of such refutation shall be determined by the Hearing Officer. The Hearing Officer may, in his discretion, before rendering his decision, permit the filing of amended or supplemental information and shall notify all parties thereof and provide a reasonable opportunity for objections thereto.

#### **Section 5-4.07 Scheduling Orders & Continuances**

- I. Scheduling orders may be issued by the Hearing Officer to establish a timeline for the administrative proceeding(s). Any scheduling order entered by the Hearing Officer shall be in substantial compliance with the following form:

THE CHICKASAW NATION OFFICE  
OF THE GAMING COMMISSIONER

\_\_\_\_\_(Claimant) )  
v. ) Case No.: \_\_\_\_\_  
\_\_\_\_\_(Opposing Party )

**Scheduling Order**

**Scheduling Order**

The following Scheduling Order is issued:

- 1. Response of Insurer and/or Nation \_\_\_\_\_
- 2. Early Settlement Conference \_\_\_\_\_
- 3. Written Discovery Completion \_\_\_\_\_
- 3. Depositions taken \_\_\_\_\_
- 4. Mediator Selected \_\_\_\_\_
- 5. Pre-Determination Summaries \_\_\_\_\_
- 6. Mediation \_\_\_\_\_
- 7. Suggested Findings of Fact and Conclusions of Law submitted \_\_\_\_\_
- 8. Determination \_\_\_\_\_

SO ORDERED on \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Hearing Officer

II. The above form may be amended at any time by the parties with the approval of the Hearing Officer.

III. Continuances of the hearing date or scheduling orders are within the sole discretion of the Hearing Officer and may be granted upon a showing of good cause by the party requesting the continuance, and shall be granted upon a joint motion by the parties upon a showing of good cause.

**Section 5-4.08 Communications with the Hearing Officer**

I. Unless required for the disposition of ex parte matters authorized by statute or regulation:

- A. In as much as possible, neither a party nor his representative shall communicate, directly or indirectly, with the Hearing Officer regarding any matter related to the hearing, except upon notice and opportunity to all parties to participate.
- B. In as much as possible, the Hearing Officer shall not communicate, directly or indirectly, with any party or his representative regarding any matter related to the hearing, except upon notice and opportunity to all parties to participate.

II. This section does not preclude a party or his counsel conferring with the Hearing Officer, or any staff member of the Office of the Gaming Commissioner, or the Gaming Commissioner's counsel on procedural matters.

### **Section 5-4.09 Third Party Practice**

I. In the event that a third party requests to intervene in any pending administrative proceeding, the Hearing Officer shall rule on whether or not to allow the intervention. Should a third party intervenor be allowed to enter the administrative proceeding, their intervention shall be deemed consent to the jurisdiction of the Nation's courts and to the jurisdiction of the Office of the Gaming Commissioner without limit to time or event. The third party may be represented by Legal Counsel as provided for in this Title.

II. Any licensed vendor of the Nation may be joined by the Insurer in an action before the Hearing Officer upon proper pleading.

### **Section 5-4.10 Default**

The unexcused failure of a party to appear at the hearing shall constitute a default and an admission of any facts that may have been alleged by the opposing party. The Hearing Officer may take action based on such default or admission or on any other evidence without further notice to the defaulting party. If the Hearing Officer takes action based on an admission, the record must include the evidence upon which the action is based.

### **Section 5-4.11 Sanctions**

If any party or their attorney fails reasonably to comply with any provision of this Title, the Gaming Commissioner's regulations, tribal law, or any order entered by the Hearing Officer regarding any matter, including discovery, then the Hearing Officer upon motion or upon his own initiative, may impose upon such party or Legal Counsel, or both.

### **Section 5-4.12 Legal Counsel**

I. Any person or entity may have representation by any attorney licensed to practice before the Chickasaw Courts. Any person who signs a filing as Legal Counsel must be licensed to practice before the Courts for the Nation. This does not require each member of a law firm be licensed, but rather all attorney(s) signing and listed as responsible for the filing must be licensed to practice before the Courts of the Nation.

II. A person who files an Entry of Appearance as Legal Counsel for any party shall be deemed consent to the jurisdiction of the Gaming Commissioner and Courts of the Nation.

III. Any written inquiry made by a person representing themselves as Legal Counsel

shall be considered a written submission to the jurisdiction of the Gaming Commissioner and Courts of the Chickasaw Nation on behalf of the individual and/or any professional corporation for which such person is authorized to sign.

IV. Any person not licensed to practice before the Nation who enters his Appearance or submits any writing asserting legal representation of any person and/or entity may be sanctioned personally and/or on behalf of his professional corporation, if any, of not less than Five Hundred Dollars (\$500) for first offense and not less than One Thousand Dollars (\$1,000) for second offense.

V. The Hearing Officer has the authority to suspend any or all of such sanction upon application and proof of such "Legal Counsel" becoming a member of Nation's bar.

VI. Any filings by unlicensed Legal Counsel shall be denied by the Hearing Officer after Notice to such unlicensed Legal Counsel, provided the same shall not be dismissed if Legal Counsel pays the sanction and becomes a member of the Nation's bar within ten (10) days of written notice.

VII. No provision for withdrawal of Legal Counsel from a pending tort claim is contained within these Regulations. Substitution of Legal Counsel will be allowed. Additional Legal Counsel may be added by any party provided an Entry of Appearance is filed with the Hearing Officer and notice is given to the other Legal Counsel.

#### **Section 5-4.13 Punitive Damages**

Punitive damages may not be awarded to any party to any proceeding before the Office of the Gaming Commissioner.

#### **Section 5-4.14 Decision of the Hearing Officer**

I. After the hearing, the Hearing Officer in those cases being heard shall render a written decision on the merits.

II. A copy of the decision must be served on each party. The decision is effective and final upon service on all parties. If the decision is sent by mail, it shall be deemed to have been served upon the licensee or the patron five (5) days after it is deposited with the United States Postal Service with the postage there on prepaid.

#### **Section 5-4.15 Reproduction Costs**

In the event a party to an administrative proceeding appeals a final determination of the Gaming Commissioner or Hearing Officer, the appealing party shall reimburse the Office of the Gaming Commissioner for all reproduction costs associated with making a certified copy of all or part of the hearing record. Said costs shall be paid to the Office of the Gaming Commissioner before

the hearing record will be certified by the Hearing Officer and released to the appealing party.

### **Section 5-4.16 Emergency Orders**

Notwithstanding any provisions of this article, the Gaming Commissioner or his/her designee may issue an emergency order for the suspension, limitation or conditioning of any licensee, permittee or Patron, or may issue an emergency order requiring the licensed Facility(ies) to keep an individual from the premises of such licensed facility or not to pay such individual any remuneration for services or any profits, income or accruals on his investment in such facility(ies), in the following manner:

I. An emergency order shall be issued only when the Gaming Commissioner or designee finds that:

- A. There has been a violation of any federal, state or tribal laws or regulations, or
- B. Such action is necessary to prevent a violation of any such provision, or
- C. Such action is necessary immediately for the preservation of the public peace, health, safety, morals, good order and general welfare or to preserve the public policies declared by Nation.

II. An emergency order shall set forth the grounds upon which it is issued, including the statement of facts constituting the alleged emergency necessitating such action.

III. The emergency order shall be effective immediately upon issuance and service upon the licensee, permittee, patron, or resident agent or representative of the licensee. The emergency order may suspend, limit, condition or take other action in relation to the approval of one or more individuals and/or entities who were required to be approved in any operation, without necessarily affecting any other individuals or the licensed facility(ies). The emergency order shall remain effective until further order of the Gaming Commissioner or his/her designee or final disposition of the case.

IV. Within five (5) days after issuance of an emergency order, the Gaming Commissioner or Hearing Officer shall cause a notice of hearing to be lodged and served upon the person or entity involved in accordance with the provisions of this regulation.

V. Thereafter, the person or entity against whom the emergency order has been issued and served shall be entitled to a hearing.

## **Section 5-4.17 Judicial Review**

I. Except for final Determinations of administrative appeal hearings for revoked or suspended temporary licenses, or temporary permits, and for persons appealing a bar determination issued pursuant to self-exclusion request, all other final decisions arising under this chapter are appealable to the courts of the Chickasaw Nation for thirty (30) calendar days after a final decision has been rendered to examine whether the Hearing Officer, in applying these Regulations, has reached a decision that is clearly and convincingly against the weight of evidence. All such challenges are forever barred after such time period has elapsed.

III. Final Determinations of administrative appeal hearings for revoked or suspended temporary licenses or temporary permits and for persons appealing a Bar determination issued pursuant to self-exclusion request are not appealable.

IV. Any District Court review of hearings described in this Title shall be limited to a review of the official record of the hearing as heard by the Hearing Officer, and no additional discovery shall be allowed in a post-hearing review by the District Court.



# *The Chickasaw Nation*

## GAMING COMMISSIONER REGULATIONS

### *Title 6: Environment, Public Health, & Safety*

#### **Section 6-1.01 Purpose**

This Title is promulgated to address the protection of the environment, public health and safety of the Nation, the Gaming Facility, Facility employees and Patrons consistent with Indian Gaming Regulatory Act (IGRA), 25 U.S.C Section 2701 et. seq., Chickasaw Gaming Code, Section 3-3101, et. seq., and/or Compacts approved pursuant to IGRA, including but not limited to the commonly called “712 Compact” adopted by the Chickasaw Nation in General Resolution 21-039 (2005). Nothing within these Regulations is intended to be construed as a consent to use environment, public health, safety laws or other law of the State of Oklahoma. These Regulations shall be interpreted under the Gaming Commissioner’s Regulations, and the Chickasaw Code and common law, as applicable. All of the Nation’s gaming activities are pursued in its governmental capacity and not as a commercial entity.

#### **Section 6-1.02 Definitions**

The definitions contained within Title 2 of these Regulations are hereby incorporated by reference.

#### **Section 6-1.03 Day Passes**

I. Any unlicensed person who:

- A. Conducts business on the property of the gaming location;
- B. Provides a service to the gaming location; or
- C. Accesses non-public areas of the gaming location

must request and receive a Chickasaw Nation Office of the Gaming Commissioner (CNOGC) Day Pass prior to conducting or providing the aforementioned services. Day Passes shall be issued at the discretion of the Gaming Commissioner or designee.

- II. Unless otherwise authorized in writing by the Gaming Commissioner or designee, no person or entity may receive more than five (5) Day Passes in a calendar year. Furthermore, any additional requests for a Day Pass must be approved by the Gaming Commissioner or designee prior to the issuance of a Day Pass.

- III. No individual or entity that provides services to any of the Nation's licensed gaming locations via remote access are eligible for a Day Pass.
- IV. The Gaming Commissioner or designee may allow for other persons not described within this Section to be issued a Day Pass.
- V. Chickasaw Nation elected officials, or other persons as approved by the Gaming Commissioner, who are escorted by a person possessing either a valid Class A or Class B gaming license throughout the Gaming Facility are not subject to the Day Pass requirement.
- VI. Restricted person(s) as described within these Regulations may not apply for nor receive a Day Pass.
- VII. New employees may not use a Day Pass to start work in lieu of applying for and meeting the requirements for a gaming license/permit.

**Section 6-1.04 Right to Bar, Exclude or Remove**

Title 10 of these Regulations addresses the standards and requirements for the issuance of a Bar by the Gaming Commissioner or designee.

**Section 6-1.05 Compulsive Patrons**

- I. Each Facility shall have signs and other materials readily available to direct compulsive Patrons to agencies where they may receive counseling. Compulsive Patrons may file an application for a Self-Exclusion Bar as provided for in Title 10 of these Regulations.
- II. The Gaming Commissioner shall maintain a list, electronic or otherwise, of all barred individuals, including those barred by self-exclusion. This list shall be made available to Chickasaw Nation Division of Commerce (CNDC) management, security, and surveillance.
- III. All CNDC employees working in a Gaming Facility must receive training on compulsive gambling at least once annually.
- IV. CNDC shall maintain records which shall include a description of training, the presenter(s), dates of the training, location(s) of training, sign-in sheets that contain the name on Gaming License/Permit number of each attendee, and number of attendees. The same shall be submitted to the Gaming Commissioner or designee upon request.

## Section 6-1.06 Facility Licensing

- I. Prior to the issuance or renewal of a Facility Gaming License, CNDC shall file written certification with the Gaming Commissioner of all laws, regulations, policies, standards, and/or guidelines that will be used by CNDC to ensure that all of the Nation's Gaming Facilities are constructed, renovated/remodeled, maintained and operated in a manner that adequately protects the environment and the public health and safety.
- II. The areas to be included in the written certification shall include but not be limited to the following :
  - A. Building;
  - B. Electrical;
  - C. Mechanical Safety;
  - D. Plumbing Safety;
  - E. Fuel Gas Safety;
  - F. Fire Safety;
  - G. Food;
  - H. Water Quality and Safety;
  - I. Toxic Materials;
  - J. Environmental;
  - K. Any other documentation as may be required by the Gaming Commissioner.
- III. In the event that changes are made to the certification described above in item (II), a person employed by the CNDC and possessing a valid Class B gaming license shall notify the Gaming Commissioner or designee on official letterhead within ten (10) days prior to the change being effective.
- IV. The Gaming Commissioner shall develop within forty-five (45) days of the effective date of these Regulations, a checklist to be used by the Gaming Commissioner or designee for the purposes of inspecting and confirming CNDC's compliance with the areas identified in the preceding section.
- V. The Gaming Commissioner reserves the right under these Regulations to object to any certification that may be filed by CNDC and further reserves the right to

request additional information from CNDC to support any certifications that are submitted to the Office of the Gaming Commissioner.

- VI. The Gaming Commissioner is responsible for drafting a Facility Gaming License application and making it readily available to all Gaming Facilities within thirty (30) days from the effective date of these Regulations.
- VII. The application by the CNDC for a Facility Gaming License shall file at least forty-five (45) days prior to the expiration of the current Gaming Facility license. However, the filing of an application by CNDC does not constitute the approval of the Gaming Commissioner for any Gaming Facility to operate without an approved and current Facility Gaming License.
- VIII. All Gaming Facilities must file an application for a Facility Gaming License at least once every two years. At a minimum the application shall include the following information:
  - A. Name of the Gaming Facility;
  - B. Name of the general manager;
  - C. Physical address of the Gaming Facility;
  - D. Telephone number of the Gaming Facility;
  - E. Size in square footage of the Gaming Facility;
  - F. Number of electronic games as of the date of the application;
  - G. Number of card games as of the date of the application;
  - H. Confirmation of whether or not pari-mutuel wagering is offered at the Gaming Facility;
  - I. Confirmation of whether or not food and beverage is offered at the Gaming Facility and the names of these establishments, if any;
  - J. Confirmation of whether or not alcohol is offered or sold at the Gaming Facility and the names of these establishments, if any;
  - K. Confirmation of any capital improvements that have been made at the gaming facility during the previous license period; and
  - L. Confirmation of whether or not any capital improvements are planned during the license period.

- IX. The following documents must be submitted with the application:
- A. A legal description of the property where the gaming facility is located;
  - B. A current map of the property upon which the gaming facility is located;
  - C. A certification that the property of where the gaming facility is located is held in trust or restricted status with the United States government;
  - D. Certifications of inspection for occupational, health, safety; and
  - E. If applicable, a certification on whether or not the gaming facility meets the facility licensing standards as prescribed by these Regulations.
- X. This application must be signed by an authorized representative of CNDC who possesses a valid Class B gaming license.
- XI. The Facility Gaming License issued by the Gaming Commissioner permits the Gaming Facility to operate all forms of gaming indicated on the license as allowed by applicable law and any other business or amenity, whether or not the business or amenity is provided by a third party vendor.
- XII. When a Facility Gaming License is issued, the license is all encompassing to include, but not be limited to, all businesses, structures and parking areas that are contained within the legally described property of the Gaming Facility.
- XIII. The Gaming Commissioner may only issue a Facility Gaming License to a Gaming Facility after review of the application submitted by the Gaming Facility and the same shall be forward to the National Indian Gaming Commission (NIGC) in accordance with the NIGC's regulations as published in the Federal Register.
- XIV. The Gaming Commissioner shall forward to the NIGC a copy of any newly issued Facility Gaming License in accordance with NIGC Regulations.
- XV. CNDC shall prominently post the Facility Gaming License(s) within the effected gaming location. (Effective 3-1-2005)

#### **Section 6-1.07 Notifications**

- I. The Gaming Commissioner shall be notified at least one hundred fifty (150) days prior to the expansion, opening or reopening of a Gaming Facility. Prior to the opening of the Gaming Facility, CNDC shall comply with Section 6-1.06 above.
- II. CNDC shall immediately report in writing to the Gaming Commissioner any time a business entity, area or structure of the licensed Gaming Facility is altered.

- III. After receiving this notification, the Gaming Commissioner will determine if any additional information is required and/or if the Gaming Facility will need to re-apply for a new license to operate.
- IV. For the purposes of this section, business entity, area or structure includes but is not limited to hotels/motels, restaurants, bars and lounges, event centers, parking structures or parking lots.

#### **Section 6-1.08 Emergency Action Plans**

- I. CNDC shall develop and adopt emergency action plans for each Gaming Facility. Such action plans shall also be forwarded to the Gaming Commissioner within ten (10) days of adoption, and within ten (10) days of any update.
- II. The Gaming Commissioner shall forward such action plans to the designated agency of the State of Oklahoma regarding Gaming Facilities which contain covered games as defined by any current Tribal-State compacts into which the Nation has entered with the State of Oklahoma so long as the Tribal-State Compacts between the Chickasaw Nation and the State of Oklahoma remains in effect.

#### **Section 6-1.09 Reporting Requirements**

- I. The CNDC shall immediately report the occurrence of any of the following incidents to the Gaming Commissioner, or designee:
  - A. Fire;
  - B. Explosion;
  - C. Bomb threat;
  - D. Release of chemical fumes;
  - E. The evacuation of a facility for any cause;
  - F. Armed robbery;
  - G. Death or potential mortal injury of a patron or employee on the premises regardless of cause;
  - H. Suspected outbreak of food or water borne illness;
  - I. Any malfunction of surveillance equipment, which includes but is not limited to surveillance cameras, digital video recorders (DVRs), surveillance network systems, and any other items not covered by the Tribal Internal Control Standards, where five percent (5%) of the Gaming Facility's surveillance systems

does not provide adequate surveillance coverage as required by the Tribal Internal Control Standards;

J. Any act that puts the welfare, health and or safety of patrons or employees at risk of imminent harm or danger; and

K. Any catastrophic occurrence.

II. CNDC shall develop and implement policies and procedures in order to comply with this Section and provide the same with the Gaming Commissioner.

### **Section 6-1.10 Alcohol Sales**

Consistent with Tribal-State Compacts entered into by the Chickasaw Nation and the State of Oklahoma, the sale and service of alcohol, which includes but is not limited to alcoholic beverages, beer, and low-point beer as defined in Title 3, Section 3-201.2 of the Chickasaw Code, in the Nation's Gaming Facilities shall be in compliance with Title 3, Section 3-201.1 et. seq. of the Chickasaw Code, Tribal-State Compacts and federal laws in regard to the licensing and sale of such beverages.

### **Section 6-1.11 Restricted Persons/Entities**

I. Consistent with the Nation's law and the Tribal-State Compacts entered into by the Chickasaw Nation and the State of Oklahoma, CNDC shall not permit entry into the Gaming Facility to the following persons:

A. Any person under the age of eighteen (18) years;

Note: Designated pathways, restaurants, arcades, lodging, parking and entertainment locations are not considered areas of game play and not, therefore, considered areas where persons under the age of eighteen (18) years are not permitted.

B. Any person or entity subject to a Gaming Commissioner Bar, Gaming Facility ejection or Chickasaw Nation District Court order that requires the person or entity to be excluded or remain away from the Nation's Gaming Facilities;

C. Any person or entity not eligible to be a patron of pari-mutuel compact wagering;

D. Any person or entity who is required to obtain but has allowed his/her/its gaming license or gaming permit to expire; or

E. Former employees of the Nation or other licensed/permitted persons with substantial knowledge of the Nation's Gaming Facilities will be restricted from entering any of the Nation's Gaming Facilities for a period of thirty (30) days

from their separation of employment with the Nation or other licensed/permitted entity.

II. The persons and entities described in this Section shall not directly or indirectly:

- A. Be permitted entry into areas of the Gaming Facility.
- B. In the event a restricted person does enter one of the Nation's Gaming Facilities in violation of the Chickasaw Nation laws and/or regulations, CNDC shall escort them from the Gaming Facility. In addition, the Gaming Facility shall seize all monies owed to the restricted person by the Gaming Facility, which includes but is not limited to prizes, gifts, awards, pays and plays, and remit them to the Gaming Commissioner to be donated to a charity of his/her choosing.

(Effective 3-1-2005)

### **Section 6-1.12 Enforcement**

In accordance with Title 2 and Title 11 of the Gaming Commissioner's Regulations, the Gaming Commissioner may suspend, revoke the Gaming License/Permit held by any individual or entity who engages in any acts or practices which violate these Regulations. The Gaming Commissioner may also issue penalties and sanctions as necessary and appropriate under the circumstances.



# *The Chickasaw Nation*

## GAMING COMMISSIONER'S REGULATIONS

### *Title 7: Marketing & Promotional Activities*

#### **Section 7-1.01 Purpose and Authority**

The following Regulations for Promotional Activities are issued pursuant to the Gaming Commissioner's authority under Chickasaw Code, Chapter 3, Section 3-3101 et. seq. and all other applicable tribal law, regulations, policies and standards. Promotional activities carried out for or in conjunction with Chickasaw Nation Gaming Facilities shall be conducted in an honest and lawful manner to ensure that the interests of Patrons are safeguarded against unfair, misleading or deceptive trade practices as determined by tribal law and regulations.

#### **Sections 7-1.02 Definitions**

I. Promotional Activity shall include, but not be limited to, a contest, tournament, offer, game or other activity in addition to the usual and customary game play of Class II or Class III gaming which allows a Patron the opportunity to obtain a prize or award. These activities include, but are not limited to, those activities which are approved by the Gaming Commissioner as regularly occurring within the Nation's Gaming Facilities and are designated as a "Canned Promotional Activity."

II. Gaming Commissioner means the person holding such title and heading the Office of the Gaming Commissioner of the Chickasaw Nation as described in Title 2, Section 2-2401 et seq. of the Chickasaw Code. The Gaming Commissioner is not a board or agency of the Nation; rather, an officer created by the Chickasaw Code with power and authority from the Chickasaw Code and the executive department of the Nation to make Regulations concerning the Nation's regulatory responsibility in regard to the Nation's gaming. As the context dictates, the Gaming Commissioner means the individual, his office, subordinate, and/or designees with responsibility to carry out the administrative responsibilities outlined in these regulations, including but not limited to Determination(s) required by these Regulations.

III. Patron Benefit means anything of value received by a patron without payment of appropriate compensation, including but not limited to, coupons, lottery entries, door prizes, redemption of patron incentive balances, lodging, food, and concert tickets irrespective of a Patron's game play.

IV. The definitions contained within Title 2 of the Gaming Commissioner's Regulations are hereby incorporated by reference.

### **Section 7-1.03 Review by Commissioner**

I. The Gaming Commissioner shall review all Promotional Activities in advance of their public release from the Chickasaw Nation Division of Commerce (CNDC) to ensure that such Promotional Activity meets minimum standards of fairness and equity and meet all legal requirements. No Promotional Activity shall occur without such review and written approval by the Gaming Commissioner.

II. The CNDC shall submit all Promotional Activities for review by the Gaming Commissioner.

III. Absent extraordinary circumstances, all requests for Gaming Commissioner review shall be submitted at least ten (10) business days in advance of public release of any advertisement of the Promotional Activity and the date it will takeplace.

### **Section 7-1.04 Submission Requirements for Approval of Promotions**

Each request for approval of a Promotional Activity shall contain the following information:

- A. A narrative description of the proposed Promotional Activity;
- B. Rules governing entry, qualification and/or eligibility;
- C. Rules governing the selection of winner(s) and applicable rules of play;
- D. Any applicable limitations on eligibility, time, place or manner for claiming award;
- E. Award(s), associated monetary value(s), and other reasonable description;
- F. Method or amount of consideration if required for participation;
- G. Other material aspects of the Promotional Activity susceptible to controversy;
- H. The identity of the sponsor and/or the source of funds for the Promotional Activity including contact and contract information as may be requested by the Gaming Commissioner ; and
- I. A copy of any applicable advertisement or other promotional literature as may be requested by the Gaming Commissioner.

### **Section 7-1.05 Promotional Literature**

I. Promotional literature related to a Promotional Activity or series of activities must contain fair and accurate information in relation to such promotion or reference the location of the same.

II. The promotional literature must accurately disclose or reference:

- A. The rules of play;
- B. The nature of the associated prize(s) or cashaward(s);
- C. Any limitations on patroneligibility;
- D. The time(s), date(s), and location(s) for the associated Promotional Activity or Activities;
- E. The nature of any consideration necessary for participation or entry, if any;
- F. Any other limitations or restrictions, including any related to the claim of prizes or cash awards; and
- G. The announcement date and time for the winning entry or entries.

#### **Section 7-1.06 Standards Governing Approval of Promotional Activities**

To receive approval from the Gaming Commissioner Promotional Activities must be:

- A. Fair;
- B. Lawful; and
- C. Subject to reasonable rules concerning entry, eligibility, play, and claims.

#### **Section 7-1.07 Changes to Previously Approved Promotional Activities**

Once the Gaming Commissioner has approved a Promotional Activity to be used by CNDC, no changes shall be made to the rules, conduct or performance of that Promotional Activity unless:

- I. Notice has been provided to the Gaming Commissioner or his designee describing the need for a change to the rules, conduct or performance of the Promotional Activity. This notice must contain an adequate description of the changes that are to be made by CNDC along with a description of the impact the changes will have on the outcome of the Promotional Activity and the participants. This notice must be received by the Gaming Commissioner or his designee as soon as practicably possible prior to the occurrence of the Promotional Activity.
- II. The Gaming Commissioner or his designee has approved the changes requested by CNDC;
- III. CNDC ensures that reasonable notice to the Patrons is provided prior to the commencement of the Promotional Activity and posted at or near the location where the Promotional Activity is to occur; and
- IV. As dictated by fair and equitable rationale, the CNDC maintains the right to cancel a Promotional Activity. However the Gaming Commissioner always retains the authority to issue

an Emergency Order directing CNDC to cease and desist the Promotional Activity in accordance with these Regulations.

### **Section 7-1.08 Canned Promotional Activity**

I. CNDC must submit a written request to designate a previously approved Promotional Activity as a “Canned Promotional Activity” which must contain a justification on the need to designate a Promotional Activity as a “Canned Promotional Activity” and be approved by the CNDC Chief Officers.

II. Once a Promotional Activity is designated as a “Canned Promotional Activity”, CNDC may only make the following updates to such activities:

A. The date of the Promotional Activity;

B. The time of the Promotional Activity;

C. The dollar amount(s), which is not to exceed the following amounts based on tier classification of the gaming facility:

- i. \$1000.00 for Tier A gaming facilities,
- ii. \$2500.00 for Tier B Gaming Facilities, and
- iii. \$5000.00 for Tier C Gaming Facilities;

III. The CNDC and/or the Gaming Facility ensures that notice to the Patron is provided at least one (1) hour prior to the commencement of the Promotional Activity by posting the promotional rules at or near the location where the Promotional Activity is to occur; and

IV. All of the aforementioned information must be received by the Gaming Commissioner or his designee prior to the Canned Promotional Activity commencing.

### **Section 7-1.09 General Requirements**

I. Promotional activities must be conducted in conformity with the published rules and procedures as pre-approved by the Gaming Commissioner.

II. The Promotional Activity shall comply with any applicable restrictions on eligibility. No disbursement of any prize or cash award shall be made to any person who is found to be ineligible to participate in the Promotional Activity or activities.

III. The time, date and location of a Promotional Activity shall be noticed to the Gaming Commissioner and conspicuously posted in the facility at or near the location where the Promotional Activity is to occur. A full and complete copy of the rules, including those related to play, eligibility, and claims, shall be readily accessible to Patrons within the Gaming Facility and/or made available to Patrons by the CNDC upon request.

IV. The following persons shall not be eligible to participate in promotions associated with the Nation's gaming facilities:

- A. Any person under the age of 18 years;
- B. Any employee prohibited from participation by the written policies of the Nation;
- C. Any third-party prohibited from participation by the written policies of the Nation;  
and
- D. Any person subject to a bar of the Chickasaw Nation as described in these Regulations.

#### **Section 7-1.10 Cash Awards**

Cash award payment(s) shall be made in compliance with the Minimum Internal Control Standards, Tribal Internal Control Standards, IRS reporting requirements, and other applicable management reporting requirements.

#### **Section 7-1.11 Non-Cash Prizes**

Non-cash awards shall be made in compliance with the Minimum Internal Control Standards, Tribal Internal Control Standards, IRS reporting requirements, and other applicable management reporting requirements.

#### **Section 7-1.12 Accounting and Reporting**

Accurate records shall be maintained for each Promotional Activity, documenting any income and all expenses associated with the Promotional Activity or activities in accordance with Minimum Internal Control Standards, Tribal Internal Control Standards, IRS reporting requirements, and other applicable management reporting requirements.

#### **Section 7-1.13 Third-Party Payments**

At no time shall employees of the Chickasaw Nation receive from any third-party any direct or indirect or additional compensation and/or payments, which include but are not limited to money, gifts, or other items of value outside of what is allowed by written policy of the Chickasaw Nation. Receipt of prohibited compensation described in this Section may be grounds for suspension and/or revocation of the employee's Gaming License/Permit and/or bar from all Chickasaw Nation Gaming Facilities and penalties and sanctions as determined by the Gaming Commissioner.

#### **Section 7-1.14 Patron Benefits**

Any Patron Benefits issued by the Gaming Facility management must be in accordance with Minimum Internal Control Standards, Tribal Internal Control Standards, IRS reporting requirements, and other written applicable management policies.

### **Section 7-1.15 Emergency Orders**

The Gaming Commissioner maintains the right and authority to issue an Emergency Order to stay, halt, and/or maintain the status quo of Promotional Activity at any time that the Gaming Commissioner has good cause to believe the fairness and equity of a Promotional Activity is in jeopardy and the basis is provided by affidavit. All Emergency Orders shall be issued and the required hearings held in accordance with Title 5 of these regulations.

### **Section 7-1.16 Enforcement**

In accordance with Title 2 and Title 11 of the Gaming Commissioner's Regulations, the Gaming Commissioner may suspend or revoke the Gaming License/Permit held by any individual or entity who engages in any acts or practices which violate these Regulations and issue penalties and sanctions as necessary and appropriate under the circumstances.

### **Section 7-1.17 Dispute Resolution**

In the event of a patron dispute with the Gaming Facility management regarding a Promotional Activity, the Patron may file a Prize Claim with the Office of the Gaming Commissioner in accordance with Title 8 of the Gaming Commissioner's regulations.



# *The Chickasaw Nation*

## GAMING COMMISSIONER'S REGULATIONS

### *Title 8: Prize Claims*

#### **Section 8-1.01 Purpose**

The following Regulations are designed to meet requirements of the gaming Compact(s) entered into by the State of Oklahoma and the Chickasaw Nation ("Nation") for Prize Claims consistent with the Compact's designation of authority to the Chickasaw Nation Gaming Commissioner ("Gaming Commissioner") and the Gaming Commissioner's authority under Chickasaw Code, Chapter 3, Section 3-101 et. seq. The Nation has granted a limited waiver of sovereign immunity as required by the Compact to allow suits against the gaming Facility in the Nation's court system only after exhaustion of administrative remedies outlined in these Regulations.

Chickasaw Code, Chapter 3, Section 3-3600 identifies the process to involve the Gaming Commissioner in a Prize Claim, as provided herein. However, such process shall not be construed as a waiver of sovereign immunity by the Chickasaw Nation. The Compacts of the Chickasaw Nation do not alter the criminal or civil jurisdiction of the Nation. Likewise, certain Compact(s) of the Nation with the State of Oklahoma acknowledge that Article 1 Section 3 of the Oklahoma Constitution disclaims jurisdiction within the Nation's Indian Country.

#### **Section 8-1.02 Jurisdiction**

Any Patron may make a Prize Claim pursuant to these Regulations by filing a Notice of Prize Claim with the Gaming Commissioner or his designee as prescribed herein. If a Patron's Legal Counsel files a Prize Claim, the Prize Claimant must have also signed the Prize Claim Notice in order to be valid. The act of properly filing a Claim initiates a case and shall be deemed written consent to all civil and criminal laws of the Nation without limitation of time or event by both by those signing the Claim.

#### **Section 8-1.03 Prize Claim**

I. A Prize Claim against a Facility location is authorized by these Regulations by the limited waiver of sovereign immunity of the Nation only if the same is made pursuant to procedures outlined in these Regulations. Any deviation from procedures outlined herein may result in dismissal without prejudice of a claim at the discretion of the Hearing Officer or the Nation's Court.

A. No award shall be made in excess of Prize at issue.

B. If the Nation's name appears in any pleading or application for Prize Claim, the same is grounds for dismissal without prejudice of the Prize Claim based upon the sovereign immunity of the Nation.

II. Notwithstanding Section 8-1.03(vi) of this Title, a Prize Claim not filed within ten (10) days from the date the Claim arose, shall be forever barred. Any Claim not timely filed shall be summarily dismissed.

III. Prize Claims filed shall be reviewed and a decision made by the Chickasaw Nation Division of Commerce ("CNDC") within thirty (30) days of filing unless time is waived by the Prize Claimant by written request.

IV. Each time a waiver is given, the time for resolution shall be extended thirty (30) days. No limit shall exist on the number of time extensions a Prize Claimant may request.

V. The CNDC has a continuing duty to resolve a Prize Claim and/or potential Prize Claim with a Patron occurring within a Facility under the Compact and these Regulations. Nothing herein prevents the CNDC and/or Game Vendor from developing policies and procedures for purposes of settlement of Claim. Nonetheless, the only Prize Claim form which will be considered by the Hearing Officer is a Prize Claim form made in substantial compliance to the form identified below.

VI. In accordance with the State of Oklahoma-Chickasaw Nation Off-Track wagering Compact, the following regulations apply to any off-track betting prize claims or disputes:

A. The claims are to be presented within ninety (90) days of the date the loss occurs. In the event a claim is not presented following ninety (90) days after the loss occurs, but within one (1) year after the loss occurs, any judgment in a lawsuit arising from the act which is the subject of the claim shall be reduced by ten (10) percent.

B. A claim against the gaming enterprise shall be forever barred unless notice thereof is presented within one (1) year after the loss occurs. A claim against the gaming facility shall be in writing and filed with the Office of the Gaming Commissioner at the address of the gaming facility.

C. Notices explaining this procedure shall be posted in the gaming facility. Such notices shall explain that this procedure is the exclusive method of making a claim or registering a patron dispute about payment of a bet or a distribution of winnings.

D. An appeal from the Gaming Commissioner’s decision may be made in the same fashion as any other prize claim as described in this Title. A claim is deemed denied if the Gaming Facility fails to approve the claim in its entirety within ninety (90) days of receipt, unless the interested parties have reached a settlement before the expiration of that period. A person may not initiate suite unless the claim has been denied in whole or in part.

VII. Definitions for terms shall be substantially the same as in Title 2 of these Regulations.

**Section 8-1.04Prize Claim Form**

I. The Prize Claim Notice forms and these Regulations shall be made readily available in pamphlet form at each Facility for Patrons to review.

II. Facility employees are required to provide a Prize Claim pamphlet to any individual requesting such and to any Patron who has or may potentially have a Prize Dispute with the Facility.

III. A Prize Claim filing shall be made by a person having a claim and/or their Legal Representative by filing the following form with the Gaming Commissioner or designee, in writing, to receive such claims in substantial compliance with the form below.

IV. Claims received by the Facility and/or CNDC shall be forwarded to the Gaming Commissioner or designeeimmediately.

V. Upon receipt, the Gaming Commissioner or his designee shall assign the letter “P” and a number to each Claim with the first four (4) digits being the year of the alleged incident is filed followed by a hyphen with the number of the month of the alleged incident occurred followed by a hyphen with the day of the month the alleged incident occurred followed by a hyphen with the last two digits of the year that the alleged incident occurred and the number of the claim for the year.

As an example, for a Claim submitted as the seventy-seventh claim of 2005 filed June 5, 2005, for injury May 3, 2005, the claim number would be P2005-5-3-05-77. The Prize Claim Form shall be in substantial compliance with the following:

John Doe (Prize Claimant) )  
 )  
 v. ) Case No: \_\_\_\_\_  
 )  
 \_\_\_\_\_Gaming Facility )  
(appropriate name if known and omit )  
reference to Nation) near \_\_\_\_\_(location) )



OFFICE OF THE GAMING COMMISSIONER'S USE

\_\_\_\_\_  
(Hearing Officer)

\_\_\_\_\_  
(Date received)

\_\_\_\_\_  
(Claim Number)

**Section 8-1.05 Notices**

I. Within forty-eight (48) hours of the filing of a Prize Claim, the Gaming Commissioner or designee, shall forward a copy of the same to the State of Oklahoma agency responsible for Compact duties, Game Vendor, if any, and CNDC.

- A. The Prize Claimant, CNDC and Game Vendor of the Covered Game, if any, shall be provided with imaging reports, security reports, surveillance reports and CNDC reports to assist in prompt claim review.
- B. Any member of the CNDC with valid gaming license may appear at the Administrative Hearing and represent the CNDC. Within ten (10) days after Notice of any filing herein, the CNDC shall file an Entry of Appearance identifying the CNDC gaming license holder responsible for the CNDC duties identified, or in the alternative, have Legal Counsel enter appearance for the CNDC.

II. Within seventy-two (72) hours of the filing of a Claim, the Game Vendor, or if none, the CNDC, shall deliver to the Hearing Officer a summary of Claim resolution efforts identifying contact efforts, Claim evaluation, and proposed Claim award, if contested.

- A. Game Vendor and/or CNDC shall deliver a written update on such claim information not less than every ten (10) days thereafter until a Determination is made.
- B. If applicable, the Gaming Commissioner or designee shall notify the appropriate state agency if no Prize Claim resolution is made within seventy- two (72) hours.
- C. Any representative of a Game Vendor possessing a Gaming License or licensed to practice in the courts of the Nation may appear on behalf of the Game Vendor at any proceeding herein and receive Notices for Game Vendors.

**Section 8-1.06 Scheduling Order**

I. Upon receipt of a Prize Claim and within ten (10) working days, the Gaming Commissioner or designee shall issue the following Notice and Scheduling Order to the

Prize Claimant, Game Vendor, if any, and CNDC:

THE CHICKASAW NATION  
OFFICE OF THE GAMING COMMISSIONER

\_\_\_\_\_(Prize Claimant) )  
 )  
v. ) Case No.: \_\_\_\_\_  
 )  
\_\_\_\_\_(Facility Name), near )  
called \_\_\_\_\_ )

**Notice and Scheduling Order**

All parties take Notice, unless settlement of Prize Claim(s), you are ordered to appear as follows. Failure to appear without excuse may result in Claim dismissal or Claim being granted as requested.

- I. Deposition Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Place: \_\_\_\_\_
- II. Settlement Report from Game Vendor: Date: \_\_\_\_\_
- III. Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Place: \_\_\_\_\_  
\_\_\_\_\_  
Hearing Officer or Designee

II. The Hearing Officer may amend the Notice and scheduling order for good cause or upon application by the Game Vendor or CNDC, provided the same shall not extend time for resolution. Request for amendment of the schedule by the Prize Claimant shall require the Prize Claimant to file written request for extension of time for resolution.

III. Notice and Scheduling Order shall be sent by regular mail, e-mail and/or facsimile, if available, to Prize Claimant, Game Vendor, if any, and Hearing Officer.

- A. Game Vendor, if any, and CNDC are on Notice as to Regulations.
- B. A copy of these Regulations shall be posted, e-mailed and/or faxed to the Prize Claimant with the Notice and Scheduling Order making Prize Claimant on notice of these Regulations.

**Section 8-1.07 Deposition**

The testimony of any material witness, regardless of where the witness is domiciled, may be taken by deposition by law and may be used at the hearing, provided for deposition(s) occurring outside the Nation’s Indian Country the parties must agree in writing and have the written approval of the Hearing Officer. The Office of the Gaming Commissioner will pay for the deposition of the party filing a Notice of Prize Claim with the Gaming Commissioner and seeking an administrative proceeding; however, any subsequent depositions must be paid by the party calling the deponent.

### **Section 8-1.08 Administrative Hearing Process**

- I. Prior to judicial proceedings, the patron shall exhaust its administrative remedies through the Administrative Hearing process administered by the Chickasaw Nation, Office of the Gaming Commissioner.
- II. The Hearing Officer, shall prior to the expiration of Resolution period, prepare a Determination. At the conclusion of Administrative Hearing, the Prize Claimant, Game Vendor and/or CNDC shall submit Proposed Findings of Fact and Conclusions of Law for consideration of the Hearing Officer in making the Determination. Nothing herein prevents joint submission of all or a part of such requirements.
- III. Determinations under these Regulations may be made only by the Hearing Officer and shall be exclusively satisfied only by the Game Vendor, and/or the CNDC within fifteen (15) days of a final un-appealed Determination.
- IV. Should the CNDC or Game vendor fail to pay such a Determination within the time allowed, the Gaming Commissioner may file a cause of action in Nation's court system for the Prize Claimant to obtain a court order to the CNDC and/or Game vendor for payment of Determination.
- V. Failure of a Prize Claimant to appear for Administrative Hearing may be excused in the same manner as provided for failure to appear for Deposition.

### **Section 8-1.09 Presentation of Evidence at Hearing**

- I. Oral evidence shall be taken only upon oath or affirmation.
- II. Parties to an administrative hearing shall have the right to call and examine witnesses; to introduce exhibits relevant to the issues of the case, including the transcript of testimony made by a witness or party to the case at bar, to cross-examine opposing witnesses in any matters relevant to the issue of the case; to impeach any witness, regardless of which party called him to testify; and to offer rebuttal evidence.
- III. Any person who is a party to the hearing and chooses not to testify in his/her own behalf may be compelled to testify and be subject to either a direct or cross-examination.
- IV. Presentation of deposition testimony shall be by submission for later review by the Hearing Officer.

### **Section 8-1.10 Admissibility of Evidence**

- I. Any relevant evidence may be admitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action.
- II. The parties or their counsel may by oral or written stipulation agree that certain evidence be admitted even though such evidence might otherwise be subject to objection.
- III. Irrelevant and unduly repetitious evidence should not be admitted, subject to the discretion of the Hearing Officer.
- IV. The Hearing Officer shall note objections made by the parties on evidentiary matters and determine admissibility at any time prior to a final determination.
- V. Nothing herein shall prevent the admissibility of records kept in the normal course of business by the Gaming Facility or the records produced by Gaming Facility pursuant to these Regulations from being summarily admitted at any hearing.

### **Section 8-1.11 Game Vendor**

- I. No Game Vendor or Facility location may invoke sovereign immunity of the Nation to avoid the responsibility for any Claim or Determination of a Hearing Officer under these Regulations.
- II. Every Game Vendor shall submit consent in writing to the jurisdiction of the Nation courts and Gaming Commissioner together with the endorsement required in the preceding paragraph as a condition of vendor licensing.
- III. Every Game Vendor shall provide an address for service of Notice to the Gaming Commissioner and keep the same current at all times. The Game Vendor shall have sufficient individual representatives licensed or retain Legal Counsel to appear as required herein.
- IV. Game Vendor shall provide prompt Prize Claim review and be responsible to meet the requirements of these Regulations for issues involving games of the Game Vendor.
- V. Failure of the Game Vendor to satisfy the Game Vendor's obligations stated herein, or as ordered by the Hearing Officer, may result in Determination against the Game Vendor for Prize claims, and/or fines and sanctions against the Game Vendor.
- VI. Should any Game Vendor not pay a Determination award unappealed for five (5) days, CNDC shall be responsible to pay such Determination award.

### **Section 8-1.12 Depositions of Those Not Claimants**

The testimony of any material witness, regardless of where the witness is domiciled, may be taken by deposition in the manner provided by law and may be used at the hearing. For depositions occurring outside the Nation's Indian Country the parties must agree in writing and have written approval of the Hearing Officer. Deposition costs shall be paid by the party calling the deposition in accordance with Title 5 of these regulations, ("Administrative Hearings").

### **Section 8-1.13 Official Notice**

The Hearing Officer may take official notice of any generally accepted information or technical or scientific matter and of any other fact which may be judicially noticed by the courts of the Nation. The parties must be informed of any information, matters or facts so noticed and upon request, must be given a reasonable opportunity to refute such information, matters or facts by evidence or by written or oral presentation of authorities. The manner of such refutation shall be determined by the Hearing Officer. The Hearing Officer may, in his discretion, before rendering Determination, permit the filing of amended or supplemental information and shall notify all parties thereof and provide a reasonable opportunity for objections or rebuttal thereto.

### **Section 8-1.14 Continuances**

Continuances are within the sole discretion of the Hearing Officer and may be granted upon a showing of good cause by the party requesting the continuance, and may be granted upon a joint motion by the parties upon a showing of good cause.

### **Section 8-1.15 Communications with the Hearing Officer**

- I. Unless required for the disposition of ex parte matters authorized by statute or regulation:
  - A. In as much as possible, neither a party nor his representative shall communicate, directly or indirectly, with the Hearing Officer regarding any matter related to the hearing, except upon notice and opportunity to all parties to participate.
  - B. In as much as possible, the Hearing Officer shall not communicate, directly or indirectly, with any party or his representative regarding any matter related to the hearing, except upon notice and opportunity to all parties to participate.

II. This section does not preclude a party or his counsel conferring with the Hearing Officer, or any staff member of the Office of the Gaming Commissioner, or the Gaming Commissioner's counsel on procedural matters.

#### **Section 8-1.16 Third Party Practice**

I. In the event that a third party requests to intervene in any pending administrative proceeding, the Hearing Officer shall rule on whether or not to allow the intervention. Should a third party intervenor be allowed to enter the administrative proceeding, their intervention shall be deemed consent to the jurisdiction of the Nation's courts and to the jurisdiction of the Office of the Gaming Commissioner without limit to time or event. The third party may be represented by Legal Counsel as provided for in this Title.

II. Any licensed vendor of the Nation may be joined by the Insurer in an action before the Gaming Commissioner upon proper pleading.

#### **Section 8-1.17 Default**

The unexcused failure of a party to appear at the hearing shall constitute a default and an admission of any facts that may have been alleged by the opposing party. The Hearing Officer may take action based on such default or admission or on any other evidence without further notice to the defaulting party. If the Hearing Officer takes action based on an admission, the record must include the evidence upon which the action is based.

#### **Section 8-1.18 Sanctions**

If any party or Legal Counsel fails to reasonably comply with any provision of this Title, the Gaming Commissioner's Regulations, tribal law, or any order entered by the Hearing Officer regarding any matter, including discovery, then the Hearing Officer may, upon motion or upon his own initiative, impose appropriate sanctions upon such party or Legal Counsel, or both.

#### **Section 8-1.19 Legal Counsel**

I. A Prize Claimant, Game Vendor and/or CNDC may have representation by any attorney licensed to practice before the Courts of the Nation. Legal Counsel for the Prize Claimant shall sign the Prize Claim Form if said Legal Counsel assisted in the preparation of the same and shall promptly file a separate Entry of Appearance with the Gaming Commissioner.

II. A person who files an Entry of Appearance as Legal Counsel for any party shall be deemed consent to the jurisdiction of the Gaming Commissioner and Courts of the Nation.

III. Any person who signs a filing as Legal Counsel must be licensed to practice before the Courts for the Nation. This does not require each member of a law firm be licensed, but rather all attorney(s) signing and listed as responsible for the filing must be licensed to practice before the Courts of the Nation.

IV. Any person not licensed to practice before the Nation who enters his Appearance or submits any writing asserting Legal Counsel of any alleged Prize Claimant may be sanctioned not more than One Thousand Dollars (\$1,000) for first offense and not more than Five Thousand Dollars (\$5,000) for second offense.

V. Any Prize Claim filed by unlicensed Legal Counsel shall be denied by the Gaming Commissioner after Notice by the Gaming Commissioner, provided the same shall not be dismissed if Legal Counsel pays any sanctions and becomes licensed to practice before the Nation's Courts within ten (10) days of written notice.

VI. Attorney fees for Prize Claim representation shall not exceed thirty percent (30%) of the first Twenty-Five Thousand Dollars (\$25, 000) of the amount awarded in settlement or Determination of a Prize Claim, and twenty percent (20%) of any amount of settlement or Determination that exceeds Twenty-Five Thousand Dollars (\$25, 000).

VII. No provision for withdrawal of Legal Counsel from a pending prize claim is contained within these Regulations. A substitution of Legal Counsel will be allowed pending a written application for substitution is approved by the Hearing Officer. Additional Legal Counsel may be added by any party provided an Entry of Appearance is filed with the Gaming Commissioner or designee and notice is given to the other Legal Counsel.

### **Section 8-1.20 Punitive Damages**

Punitive damages may not be sought by any party to any proceeding before the Office of the Gaming Commissioner.

### **Section 8-1.21 Decision of the Hearing Officer**

I. After the hearing, the Hearing Officer in those cases being heard shall render a written decision on the merits.

II. A copy of the decision must be served on each party. The decision is effective and final upon service on all parties. If the decision is sent by mail, it shall be deemed to have been served upon the licensee or the patron five (5) days after it is deposited with the United States Postal Service with the postage thereon prepaid.

### **Section 8-1.22 Reproduction Costs**

In the event a party to an administrative proceeding appeals a final determination of the Gaming Commissioner or Hearing Officer, the appealing party shall reimburse the Office of the Gaming Commissioner for all reproduction costs associated with making a certified copy of all or part of the hearing record. Said costs shall be paid to the Office of the Gaming Commissioner before the hearing record will be certified by the Hearing Officer and released to the appealing party.

### **Section 8-1.23 Emergency orders**

I. Notwithstanding any provisions of this article, the Gaming Commissioner or designee may issue an emergency order for the suspension, limitation or conditioning of any licensee, permittee or Patron, or may issue an emergency order requiring the licensed Facility(ies) to keep an individual from the premises of such licensed facility or not to pay such individual any remuneration for services or any profits, income or accruals on his investment in such facility(ies), in the following manner:

II. An emergency order shall be issued only when the Gaming Commissioner or designee finds that:

- A. There has been a violation of any federal, state or tribal laws or regulations, or
- B. Such action is necessary to prevent a violation of any such provision, or
- C. Such action is necessary immediately for the preservation of the public peace, health, safety, morals, good order and general welfare or to preserve the public policies declared by Nation.

III. An emergency order shall set forth the grounds upon which it is issued, including the statement of facts constituting the alleged emergency necessitating such action.

IV. The emergency order shall be effective immediately upon issuance and service upon the licensee, permittee, patron, or resident agent or representative of the licensee. The emergency order may suspend, limit, condition or take other action in relation to the approval of one or more individuals and/or entities who were required to be approved in any operation, without necessarily affecting any other individuals or the licensed facility(ies). The emergency order shall remain effective until further order of the Gaming Commissioner or designee or final disposition of the case.

V. Within five (5) days after issuance of an emergency order, the Gaming Commissioner or Hearing Officer shall cause a notice of hearing to be lodged and served upon the person or entity involved in accordance with the provisions of this regulation.

VI. Thereafter, the person or entity against whom the emergency order has been issued and served shall be entitled to a hearing.

**Section 8-1.24 Judicial Review**

The Determination of the Hearing Officer may be appealed to Chickasaw Nation District Court by any of the parties no later than thirty (30) days. Any District Court review of hearings described in this Title shall be limited to a review of the official record of the hearing as heard by the Hearing Officer, and no additional discovery shall be allowed in an appeal to the District Court.

**Section 8-1.25 Extraordinary Writ**

Should the Gaming Commissioner fail to perform any action required by law, the following extraordinary writ is sanctioned:

- I. The case for a Writ of Mandamus shall be styled:

**Application for Writ of Mandamus for John Doe (Party)**

- II. Notice shall be given to the Gaming Commissioner not less than five (5) days before hearing on such writ as provided bylaw.
- III. The Application for Writ of Mandamus shall quote the Regulations or other law compelling action and specifically allege how the same is violated by Gaming Commissioner.
- IV. Should the Courts of the Nation direct a Writ of Mandamus to the Gaming Commissioner, the Gaming Commissioner shall promptly comply or appeal to the Supreme Court of the Chickasaw Nation.



# *The Chickasaw Nation*

## GAMING COMMISSIONER'S REGULATIONS

### *Title 9: Tort Claims*

#### **Section 9-1.01 Purpose**

The following Regulations are designed to meet requirements of gaming Compact(s) entered into by the State of Oklahoma and the Chickasaw Nation ("Nation") for Tort Claims consistent with the Compact's designation of authority to the Chickasaw Nation Gaming Commissioner ("Gaming Commissioner") and the Gaming Commissioner's authority under Chickasaw Code, Chapter 3, Section 3-3101 et seq. The Nation has granted a limited waiver of sovereign immunity as required by the Compact to allow suits against the gaming Facility in the Nation's court system only after exhaustion of administrative remedies outlined in these Regulations. Chickasaw Code, Chapter 3, Section 3-3600 identifies the process to involve the Gaming Commissioner in a Tort Claim, as provided herein. However, such process shall not be construed as a waiver of sovereign immunity by the Chickasaw Nation. The Compacts of the Chickasaw Nation do not alter the criminal or civil jurisdiction of the Nation. Likewise, certain Compact(s) of the Nation with the State of Oklahoma acknowledge that Article 1 Section 3 of the Oklahoma Constitution disclaims jurisdiction within the Nation's Indian Country.

#### **Section 9-1.02 Jurisdiction**

Any Patron may make a Tort Claim pursuant to these Regulations by filing a Notice of Tort Claim with the Gaming Commissioner or his designee as prescribed herein. If a Tort Claim is filed, the Tort Claimant or Legal Representative must sign the Tort Claim Notice in order to be valid. The act of properly filing a Claim initiates a case and shall be deemed written consent to all civil and criminal laws of the Nation without limitation of time or event by those signing the Claim.

#### **Section 9-1.03 Tort Claim**

I. A Tort Claim is authorized by these Regulations by the limited waiver of sovereign immunity of the Nation only if the same is made pursuant to procedures outlined in these Regulations. Any deviation from procedures outlined may result in dismissal with prejudice of a claim at the discretion of the Gaming Commissioner or Hearing Officer.

- A. No award shall be made in excess of insurance coverage.
- B. If the Nation's name appears in any pleading or application for Tort Claim, the same is grounds for dismissal without prejudice of the Tort Claim based upon the sovereign immunity of the Nation.
- C. A Tort Claim not filed within ninety (90) days of the date such Claim arises shall have the value of any Determination reduced ten percent (10%). However, for Claims arising outside the Nation's Compact(s), such reduction is at the discretion of the Hearing Officer.

II. A Tort Claim must be filed within one (1) year of occurrence. Failure to file within such time shall forever bar such Tort Claim.

III. Any Tort Claim filed with the Gaming Commissioner or designee shall be reviewed and a determination issued by the Gaming Commissioner or Hearing Officer within ninety (90) days of filing unless time is waived by the Tort Claimant by written request.

IV. A Claimant may waive time for resolution in ninety (90) day increments by written application to the Hearing Officer. No limit shall exist on the number of time extensions which the Tort Claimant may request.

V. The Nation has a continuing duty to resolve a Tort Claim and/or potential Tort Claim with a Patron occurring within a Gaming Facility under the Compact and these Regulations. Nothing herein prevents the Nation and/or Insurer from developing policies and procedures for purposes of settlement of Claim. The only Tort Claim form which will be considered by the Hearing Officer is a Tort Claim form made in substantial compliance with the form identified herein.

VI. Definitions for terms shall be substantially the same as in Title 2 of these Regulations.

#### **Section 9-1.04 Tort Claim Form**

I. The Tort Claim Notice form and these Regulations shall be made readily available in pamphlet form at each Gaming Facility for Patron review.

II. Facility employees of the CNDC are required to provide a Tort Claim pamphlet to any individual who requests or appears to have a potential need for a Tort Claim form.

III. A Tort Claim shall be made by filing with the Gaming Commissioner or designee a completed claim as required in this Section.

IV. Claims received by employees of CNDC shall be forwarded to the Gaming Commissioner or designee.

V. Upon receipt of a Tort Claim Form, the Gaming Commissioner or designee shall assign the letter "T" and a number to each Claim with the first four (4) digits being the year of the alleged incident is filed followed by a hyphen with the number of the month of the alleged incident occurred followed by a hyphen with the day of the month the alleged incident occurred followed by a hyphen with the last two digits of the year that the alleged incident occurred and the number of the claim for the year.

A. For example a Claim submitted as the seventy-seventh Claim of 2005 filed June 5, 2005, for injury May 3, 2005, the Claim number would be T2005-05-03-05-77.

VI. The Claim Form shall substantially comply with the following form:

John Doe (Prize Claimant) )  
 )  
 v. ) Case No: \_\_\_\_\_  
 )  
 \_\_\_\_\_ Gaming Facility )  
(appropriate name if known and omit )  
reference to Nation) near \_\_\_\_\_ (location) )

**Notice of Tort Claim**

\_\_\_\_ Name of Tort Claimant  
\_\_\_\_ Facility name or location where claim occurred.  
\_\_\_\_ Date of claim : \_\_\_\_\_.M. time  
\_\_\_\_ Address of Tort Claimant  
\_\_\_\_ E-mail  
\_\_\_\_ Telephone  
Ambulance called (circle one) Yes No

Arrival of ambulance: : \_\_\_\_\_.M. time

Describe circumstances of the incident upon which claim is based:

\_\_\_\_\_  
(use additional pages if necessary)

Describe how Facility is at fault:

\_\_\_\_\_  
(use additional pages if necessary)

Names and addresses, or other identify, of persons known to have witnessed or have information regarding the incident including employees of Facility and others:

\_\_\_\_\_  
(use additional pages if necessary)

Was injury reported to management (circle one): Yes No

**Compensation Claimed**

Basis of claim:

Amount claimed for pain \$ \_\_\_\_\_ Amount  
claimed for medical \$ \_\_\_\_\_ Amount  
claimed for other \$ \_\_\_\_\_

Explain other: \_\_\_\_\_

Total settlement request: \$ \_\_\_\_\_

The undersigned consents to the jurisdiction of the criminal and civil courts of the Chickasaw Nation by filing this claim without regard to time or event. The undersigned swears and affirms this Claim is made in good faith and acknowledges, pursuant to 18

U.S.C. §1167 and other provisions of the federal criminal code, that false Claims may be prosecuted by the federal government and/or Nation.

The undersigned is advised that this Claim is subject to a ninety (90) days review process. The review deadline allows for little or no consideration of Tort Claimant's schedule in the hearing of this matter. Upon request of the Tort Claimant the review process may be extended to one hundred eighty (180) days. Does Tort Claimant request a one hundred eighty day (180) review process? (Circle One) Yes No

This Claim is made under oath and falsification of any part thereof is subject to criminal prosecution for perjury.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Legal Counsel if Any:

\_\_\_\_\_  
Attorney Name

\_\_\_\_\_  
CBA#

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
City/State/Zip Code

\_\_\_\_\_  
Fax Number

Email Address: \_\_\_\_\_

\_\_\_\_\_  
Name, address, telephone number and e-mail address of CNDC Representative authorized to settle claim is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**GAMING COMMISSIONER USE**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Gaming Commissioner or Designee receiving) (Date/Time received) (Claim Number)

**Section 9-1.05 Administrative Hearing Process**

I. Prior to judicial proceedings, the Patron shall exhaust administrative remedies through the Administrative Hearing process administered by Gaming Commissioner.

II. At the conclusion of the Administrative Hearing, the Tort Claimant, Insurer and/or Gaming Facility, and any other party may submit Proposed Findings of Fact and Conclusions of Law for consideration of the Hearing Officer's Determination. Nothing herein prevents joint submission of all or a part of such requirements.

III. Determinations under these Regulations may be made only by the Gaming Commissioner Hearing Officer and shall be exclusively satisfied only by the Insurer within fifteen (15) days of a final un-appealed Determination.



\_\_\_\_\_(Facility Name), near )  
\_\_\_\_\_ called \_\_\_\_\_ )  
\_\_\_\_\_ )

**Scheduling Order**

**Scheduling Order**

The following Scheduling Order is issued:

- 1. Response of Insurer and/or Nation \_\_\_\_\_
- 2. Early Settlement Conference \_\_\_\_\_
- 3. Written Discovery Completion \_\_\_\_\_
- 3. Depositions taken \_\_\_\_\_
- 4. Mediator Selected \_\_\_\_\_
- 5. Pre-Determination Summaries \_\_\_\_\_
- 6. Mediation \_\_\_\_\_
- 7. Suggested Findings of Fact and Conclusions of Law submitted \_\_\_\_\_
- 8. Determination \_\_\_\_\_

Approved By:

\_\_\_\_\_  
Tort Claimant Counsel

\_\_\_\_\_  
Insurance Counsel

\_\_\_\_\_  
Nation's Counsel

SO ORDERED on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Hearing Officer

II. The above form may be amended at any time by the parties with the approval of the Hearing Officer.

III. Should the parties acknowledge that the early settlement conference is not needed; all parties may avoid a hearing by joint submission of the above scheduling order.

**Section 9-1.06 Mediation**

I. Mediation shall be ordered by the Hearing Officer prior to a Determination Hearing. Alternatively, the Hearing Officer by written order may exempt the same. The mediation order shall be in substantial compliance with the following form:

**THE CHICKASAW NATION  
OFFICE OF THE GAMING COMMISSIONER**

\_\_\_\_\_(Tort Claimant) )  
v. ) Case No.: \_\_\_\_\_  
 )



noting that the Claim was resolved. The signing of a mediation statement or settlement agreement shall take place within the Nation's Indian Country. Failure to appear for mediation without just cause or without a motion for continuance being granted by the Hearing Officer may be treated as failure to appear for Hearing.

VI. Should mediation fail to result in settlement, the mediator shall draft a report in accordance with the Mediation Order and deliver the same to the Gaming Commissioner.

VII. The parties may file a joint request to extend the resolution period and continue the Determination Hearing which shall be granted if such motion is based on further mediation.

### **Section 9-1.07 Reporter**

I. The Gaming Commissioner shall appoint a qualified person to act as a reporter for matters before the Commissioner as outlined in Title 5, Administrative Hearings, of these Regulations.

II. The Office of the Gaming Commissioner shall pay for the deposition of the Tort Claimant and the presence of the reporter at all hearings. Hearing transcript expense shall be paid by the party requesting a copy of the hearing transcript. Any party requesting a deposition shall pay for all costs and copies associated with such deposition.

### **Section 9-1.08 Discovery**

I. The parties shall cooperate in discovery in the following manner:

A. The Gaming Facility shall provide to all parties a copy of all imaging reports, surveillance reports, management reports, security reports and witness statements possessed by Gaming Facility and/or employees or management pertaining to the filed Tort Claim upon completion of the Tort Claimant's deposition. Other information may be requested from Gaming Facility by motion upon a showing of relevance, provided the same is not subject to any attorney-client privilege or an overriding interest of the Nation as determined by the Hearing Officer.

B. The parties may have written discovery as well as written depositions, including, but not limited to, the following:

(1) motion to continue scheduling order;

- (2) motion to compel discovery;
- (3) motion to limit discovery;
- (4) motion for confidentiality order;
- (5) motion to continue;
- (6) motion in limine; and
- (7) motion to Dismiss.

C. At the request of a party, subpoenas for deposition or testimony at hearing shall be issued by a Hearing Officer to any person or entity licensed by the Gaming Commissioner. The party requesting the subpoena shall be responsible to provide a subpoena form to the Hearing Officer for filing and issuance. The party requesting the subpoena shall pay any fees for service of the subpoena. The party issuing the subpoena shall be responsible to provide the Hearing Officer with the address for service of such subpoena.

### **Section 9-1.09 Presentation of Evidence at Hearing**

- I. Oral evidence shall be taken only upon oath or affirmation.
- II. Parties to an administrative hearing shall have the following rights:
  - A. To call and examine witnesses;
  - B. To introduce exhibits relevant to the issues of the case, including the transcript of testimony made by a witness or party to the case at bar;
  - C. To cross-examine opposing witnesses in any matters relevant to the issue of the case;
  - D. To impeach any witness; and
  - E. To offer rebuttal evidence.
- III. Any person who is a party to the hearing and chooses not to testify on his/her own behalf may be compelled to testify.
- IV. Presentation of deposition testimony shall be by submission for later review by the Hearing Officer.

V. The presentation of evidence by the parties shall be in accordance with Title 5 of the Chickasaw Code, unless otherwise provided for in this Title.

### **Section 9-1.10 Admissibility of Evidence**

I. Any relevant evidence may be admitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action.

II. The parties or their counsel may by oral or written stipulation agree that certain evidence be admitted even though such evidence might otherwise be subject to objection.

III. Irrelevant and unduly repetitious evidence should not be admitted, subject to the discretion of the Hearing Officer.

VI. The Hearing Officer shall note objections made by the parties on evidentiary matters and determine admissibility at any time prior to a Determination.

VII. Nothing herein shall prevent the admissibility of records kept in the normal course of business by the Gaming Facility or the records produced by Gaming Facility pursuant to these Regulations from being summarily admitted at any hearing.

### **Section 9-1.11 Depositions of Those Not Claimants**

The testimony of any material witness, regardless of where the witness is domiciled, may be taken by deposition in the manner provided by law and may be used at the hearing.

For depositions occurring outside the Nation's Indian Country the parties must agree in writing and have written approval of the Hearing Officer. Deposition costs shall be paid by the party calling the deposition in accordance with Title 5 of these regulations, ("Administrative Hearings").

### **Section 9-1.12 Official Notice**

The Hearing Officer may take official notice of any generally accepted information or technical or scientific matter and of any other fact which may be judicially noticed by the courts of the Nation. The parties must be informed of any information, matters or facts so noticed and upon request, must be given a reasonable opportunity to refute such information, matters or facts by evidence or by written or oral presentation of authorities. The manner of such refutation shall be determined by the Hearing Officer. The Hearing Officer may, in his discretion, before rendering Determination, permit the filing of amended or supplemental information and shall notify all parties thereof and provide a reasonable opportunity for objections or rebuttal thereto.

### **Section 9-1.13 Continuances**

Continuances are within the sole discretion of the Hearing Officer and may be granted upon a showing of good cause by the party requesting the continuance, and may be granted upon a joint motion by the parties upon a showing of good cause.

### **Section 9-1.14 Communications with the Hearing Officer**

I. Unless required for the disposition of ex parte matters authorized by statute or regulation:

A. In as much as possible, neither a party nor his representative shall communicate, directly or indirectly, with the Hearing Officer regarding any matter related to the hearing, except upon notice and opportunity to all parties to participate.

B. In as much as possible, the Hearing Officer shall not communicate, directly or indirectly, with any party or his representative regarding any matter related to the hearing, except upon notice and opportunity to all parties to participate.

II. This section does not preclude a party or his counsel conferring with the Office of the Gaming Commissioner on procedural matters.

### **Section 9-1.15 Third Party Practice**

I. In the event that a third party requests to intervene in any pending administrative proceeding, the Hearing Officer shall rule on whether or not to allow the intervention. Should a third party intervenor be allowed to enter the administrative proceeding, their intervention shall be deemed consent to the jurisdiction of the Nation's courts and to the jurisdiction of the Office of the Gaming Commissioner without limit to time or event. The third party may be represented by Legal Counsel as provided for in this Title.

II. Any licensed vendor of the Nation may be joined by the Insurer in an action before the Gaming Commissioner upon proper pleading.

### **Section 9-1.16 Default**

The unexcused failure of a party to appear at the hearing shall constitute a default and an admission of any facts that may have been alleged by the opposing party. The Hearing Officer may take action based on such default or admission or on any other evidence without further notice to the defaulting party. If the Hearing Officer takes action based on an admission, the record must include the evidence upon which the action is based.

### **Section 9-1.17 Sanctions**

If any party or Legal Counsel fails to reasonably comply with any provision of this Title, the Gaming Commissioner Regulations, tribal law, or any order entered by the Hearing Officer regarding any matter, including discovery, then the Hearing Officer may, upon motion or upon his own initiative, impose appropriate sanctions upon such party or Legal Counsel, or both.

### **Section 9-1.18 Insurer**

I No Insurer of a Nation Gaming Facility may invoke the sovereign immunity of the Nation to avoid the responsibility for payment of any Tort Claim or payment of Determination of a Gaming Commissioner under these Regulations.

- A. Every Gaming Facility policy of liability insurance shall include an endorsement providing that the Insurer shall not invoke sovereign immunity of the Nation in connection with any Claim made to the extent the Nation is covered by insurance and shall comply with the terms of any Compact and these Regulations.
- B. An entity providing insurance to a Gaming Facility shall, in writing, submit to the jurisdiction of the Gaming Commissioner, and the Courts of the Chickasaw Nation, together with the endorsement required in the preceding paragraph.

II The Insurer shall provide to the Gaming Commissioner an address for service of Notice and keep the same current at all times.

- A. The Insurer shall, at all times, maintain a person or claims adjustment entity licensed by the Gaming Commissioner, to immediately address Tort Claims. Such person's name and location information shall be printed or written on Claim forms in compliance with Compact.
- B. The Insurer may identify, in writing, Legal Counsel to represent the Insurer in claims before the Gaming Commissioner. The Gaming Commissioner or designee may thereafter provide the Insurer's copies of Tort Claims to such Legal Counsel.

III Gaming Facilities shall maintain liability limits of (1) not less than Two Hundred Fifty Thousand Dollars (\$250,000.00) for any one (1) person; (2) Two Million Dollars (\$2,000,000.00) for any one (1) occurrence for personal injury; (3) and One Million Dollars (\$1,000,000.00) for any one (1) occurrence for property damage; or the corresponding limits under a Governmental Tort Claims Act of Nation, whichever is greater.

IV. The Insurer shall provide prompt Tort Claim review and be responsible to meet the requirements of these Regulations.

V. Failure of the Insurer to address the Insurer's obligations stated herein may result not only in judgment against the Insurer for Tort Claims, but also in fines and sanctions against the Insurer. Failure to pay or appeal a Determination within time allowed by these Regulations is grounds for sanction and judgment as provided for herein, as well as an award for attorney fees and costs for any action pursued by Gaming Commissioner or Nation against Insurer.

### **Section 9-1.19 Legal Counsel**

I. A Tort Claimant, Insurer, Gaming Facility, or any other party may have representation by Legal Counsel licensed to practice before the Courts of the Nation. Legal Counsel for the Tort Claimant shall sign the Tort Claim Form if said Legal Counsel assisted in the preparation of the form and shall promptly file a separate Entry of Appearance with the Gaming Commissioner.

II. A person who files an Entry of Appearance as Legal Counsel for any party shall be deemed to have consented to the jurisdiction of the Gaming Commissioner and Courts of the Nation.

III. Any person who signs a filing as Legal Counsel must be licensed to practice before the Courts of the Nation. This does not require each member of a law firm be licensed, but rather all attorney(s) signing and listed as responsible for the filing must be licensed to practice before the Courts of the Nation.

IV. Any person not licensed to practice before the Courts of the Nation who enters their Appearance or submits any writing asserting legal representation of any alleged Tort Claimant may be sanctioned as described within these regulations.

V. Any Tort Claim filed by unlicensed Legal Counsel shall be denied by the Gaming Commissioner after Notice by the Gaming Commissioner, provided the same shall not be dismissed if Legal Counsel pays the sanction and becomes licensed to practice before Nation's courts within ten (10) days of written notice.

VI. Attorney fees for Tort Claim representation shall not exceed thirty percent (30%) of the first Twenty-Five Thousand Dollars (\$25,000.00) of the amount of settlement or Determination awarded a Tort Claimant and twenty percent (20%) of any amount of settlement or Determination that exceeds Twenty-Five Thousand Dollars (\$25,000.00).

VII. No provision for withdrawal of Legal Counsel from a pending Tort Claim is contained within these Regulations. Substitution of Legal Counsel will be allowed. Additional Legal Counsel may be added by any party provided an Entry of Appearance is filed with the Gaming Commissioner or designee and notice is given to

the other Legal Counsel.

### **Section 9-1.20 Punitive Damages**

Punitive damages shall not be available in any proceeding before the Gaming Commissioner. Any application for punitive damages shall be summarily dismissed by the Hearing Officer.

### **Section 9-1.21 Decision of the Hearing Officer**

I. After the hearing, the Hearing Officer shall render a written Determination on the merits. Nothing herein shall be construed to prevent Hearing Officer from reviewing the hearing transcript before Determination.

II. A copy of the Determination shall be Noticed on each party.

### **Section 9-1.22 Reproduction Costs**

In the event a party to an administrative proceeding appeals a Determination of the Gaming Commissioner or Hearing Officer, the appealing party shall reimburse the Office of the Gaming Commissioner for all reproduction costs associated with making a certified record for court review. Said costs shall be paid to the Office of the Gaming Commissioner before the hearing record will be certified by the Hearing Officer and released to the appealing party.

### **Section 9-1.23 Judicial Review**

The Determination of the Hearing Officer may be appealed to Chickasaw Nation District Court by any of the parties no later than thirty (30) days. Any District Court review of hearings described in this Title shall be limited to a review of the official record of the hearing as heard by the Hearing Officer, and no additional discovery shall be allowed in an appeal to the District Court.

### **Section 9-1.25 Extraordinary Writ**

Should the Gaming Commissioner fail to perform any action required by law, the following extraordinary writ is sanctioned:

I. The case for a Writ of Mandamus shall be styled:

#### **Application for Writ of Mandamus for John Doe (Party)**

II. Notice shall be given to the Gaming Commissioner not less than five (5) days before hearing on such writ as provided by law.

III. The Application for Writ of Mandamus shall quote the Regulations or other

law compelling action and specifically allege how the same is violated by Gaming Commissioner.

- IV. Should the Courts of the Nation direct a Writ of Mandamus to the Gaming Commissioner, the Gaming Commissioner shall promptly comply or appeal to the Supreme Court of the Chickasaw Nation.



# *The Chickasaw Nation*

## GAMING COMMISSIONER REGULATIONS

### *Title 10: Barred and Banned Individuals*

#### **Part 1. General**

##### **Section 10-1.01 Purpose & Authority**

The following Regulations are designed to meet the requirements of the Chickasaw Code, Title 3, Section 3-3500, et. seq. and the gaming Compact(s) entered into by the State of Oklahoma and the Chickasaw Nation regarding barred individuals from Gaming Facilities.

##### **Section 10-1.02 Definitions**

1. "Ban" shall mean any exclusion from a gaming facility, not in excess of 90 days.
2. "Bar" shall mean any exclusion from a gaming facility by the Gaming Commissioner or his designee, for any period up to a lifetime.
3. The Definitions of Title 2 are also hereby incorporated into these Regulations.

##### **Section 10-1.03 Persons who may be Banned and Barred**

1. Individuals who may be banned or barred from a Gaming Facility may include but are not limited to individuals:
  - a. With a criminal history;
  - b. Who associate with criminal offenders;
  - c. Who pose a threat to the integrity or the conduct of gaming;
  - d. With substantial knowledge of the Nation's Gaming Facilities;
  - e. Who are undesirable individuals;
  - f. Who pose a threat to the public health and safety of the gaming operation; or
  - g. Who create or cause a disruption of the normal enjoyment of other Patrons; and
  - h. Who have instances of prior inappropriate conduct at a Gaming Facility.
2. For the purpose of these Regulations, the term "individual" shall be liberally construed in accordance with the Nation's law. Individual(s) may include but are not limited to persons, partnerships, corporations, limited partnerships, limited liability companies, or any other entity, organization or partnership licensed by the Gaming Commissioner or designee.
3. Nothing herein shall impinge upon or limit the full scope of the Nation's inherent authority to bar any individual from its facilities or to otherwise act to protect the health or promote the general safety, and welfare of its citizens, staff and patrons.

##### **Section 10-1.04 Banned Individuals**

Any actions by a gaming facility to ban any individual shall be initiated by a *Notice of Exclusion*. In no event shall a ban exceed ninety (90) days without an Order from the Gaming Commissioner. Any ban for in excess of ninety (90) days shall be deemed a bar and all actions shall proceed under *Part 2 (Barred Individuals)* herein.

## **Part 2. Barred Individuals**

### **Section 10-2.01 Applications to Bar Individual(s)**

Any applications to bar another person shall contain the following information:

1. In depth factual statement describing event(s) which give rise to the request including but not limited to:
  - a. The pertinent dates, locations and individual(s) involved;
  - b. Verification of the above facts by the submitting party;
  - c. A list of witnesses who may be called to testify as to facts alleged; and
  - d. Surveillance images and/or photographs, if available. Provided, nothing in this Section shall be construed to create a right of third parties to access the surveillance images and/or photographs possessed by the Chickasaw Nation, the Gaming Facilities, or the Gaming Commissioner, his agents or assigns.
2. The Gaming Commissioner or designee may, at his discretion, develop a form to be used to facilitate this process.

Any application to bar an individual must be signed by a duly authorized representative of CNDC or the Chickasaw Nation Office of the Gaming Commissioner (CNOGC) possessing a current valid Class A or B Gaming License. All completed applications must be submitted to the Gaming Commissioner or designee for review and consideration.

### **Section 10-2.02 Hearing Procedure & Notices**

All administrative hearings and notices shall be conducted by the Hearing Officer, Gaming Commissioner, or his designee in accordance with Title 5 of these Regulations unless otherwise noted herein.

### **Section 10-2.03 Orders Granting a Bar**

Any orders issued by a Hearing Officer that bars any individual from any or all Chickasaw Nation Gaming Facilities shall be mailed to bar such individual no later than ten (10) days from the date of issuance. In the event the individual or entity, who is the subject of the order, enters one of the Nation's Gaming Facilities while subject to an order barring that individual from entry, the individual shall be escorted from the Gaming Facility. In addition, should such a barred individual be located inside the Gaming Facility and engaged in gaming activity, the Gaming Facility shall seize all monies owed to the patron, which includes but is not limited to prizes, gifts, awards, pays and play and remit them to the Gaming Commissioner to be distributed according to applicable law or Compact requirement.

## **Part 3. Self-Exclusions**

### **Section 10-3.01 Purpose & Authority**

The following Regulations are designed to meet requirements of the Chickasaw Code, Title 3, Section 3-3500, et. seq. and the Gaming Compact(s) entered into by the State of Oklahoma and the Chickasaw Nation regarding barring individuals who request to be excluded from the Nation's Gaming Facilities because of compulsive gambling or other reasons.

### **Section 10-3.02 Applications**

1. An application for self-exclusion shall be made only by the individual subject to the Bar.

2. Any application for self-exclusion shall be notarized and/or verified by a Chickasaw Nation employee possessing a current and valid Class A or B Gaming License, and must contain the following information:
  - a. Legal name;
  - b. Current address;
  - c. Current telephone number;
  - d. Physical description;
  - e. Photograph;
  - f. Waiver and acknowledgement forfeiting all plays and pays; and
  - g. A copy of applicant's current government issued I.D.
3. Employees of the Nation who hold a Gaming License or Gaming Permit, in accordance with Title 2 of these Regulations, may apply for a self-exclusion from Chickasaw Nation Gaming Facilities; the application will not affect their suitability to hold a Gaming License or Gaming Permit.

### **Section 10-3.03 Order Granting A Self-Exclusion**

1. Upon receipt of a completed request for a patron self-exclusion, an order granting such request shall be issued, in accordance with Title 5 of these Regulations by the Gaming Commissioner or designee without further notice.
2. The above described order shall be mailed to the applicant no later than thirty (30) days from the receipt of the application. In the event the individual or entity, who is the subject of the order, enters one of the Nation's Gaming Facilities, such individual or entity shall be escorted from the facility. In addition, should such individual or entity be located inside the Gaming Facility and engaged in gaming activity, the Gaming Facility shall seize all monies owed to the Patron, which includes but is not limited to prizes, gifts, awards, pays and plays and remit them to the Gaming Commissioner to be distributed according to applicable law or Compact requirement.

### **Section 10-3.04 Hearing Procedure**

In order for a self-excluded Patron to be removed from the barred individual's list, the Patron must:

1. Complete at least six (6) months of the time they requested to be self-excluded by the Nation from the Nation's Gaming Facilities; and
2. File a written request with the Office of the Gaming Commissioner for a hearing.

Based on the aforementioned, the Gaming Commissioner or designee may at their discretion grant the Patron's request without an administrative hearing. However nothing prevents the Gaming Commissioner or designee from scheduling a hearing and requiring the Patron to appear. Any administrative hearings shall be conducted by the Gaming Commissioner or designee in accordance with Title 5 of these Regulations unless otherwise noted herein.

### **Section 10-3.05 Record of Barred and Self Excluded Individuals**

The Gaming Commissioner shall maintain a list, electronic or otherwise, of all barred individuals, including those barred by self-exclusion. This list shall be made maintained by the Chickasaw Nation Department of Commerce (CNDC).

## **Part 4. Temporary and Emergency Orders**

### **Section 10-4.01 Emergency Orders**

1. Notwithstanding any provisions of this Title, the Gaming Commissioner or designee may issue an emergency order for immediate bar of individual(s) or entity, and/or may issue an emergency order requiring the licensed Gaming Facility keep an individual or entity from the premises of such licensed Gaming Facility or not to pay such individual or entity any remuneration for services or any profits, income or accruals on his investment in such facility.
2. An emergency or temporary order may be issued only when the Gaming Commissioner or designee finds any or all of the following:
  - a. There is a potential violation of any federal, state or tribal laws or regulations; or
  - b. Such action is necessary to prevent a violation of any such provision; or
  - c. Such action is necessary immediately for the preservation of the public peace, health, safety, morals, good order and general welfare or to preserve the public policies declared by Nation; or
  - d. Such action is necessary to protect the integrity of the Nation's gaming operations.
3. An emergency or temporary order shall set forth the grounds upon which it is issued necessitating such action.
4. The emergency or temporary order shall be effective immediately upon issuance and shall remain effective until further order of the Gaming Commissioner or designee or final disposition of the case.
5. Within five (5) days after issuance of an emergency or temporary order, the Gaming Commissioner or designee shall cause a notice of hearing to be served upon the individual or entity involved in accordance with the provisions of this regulation.
6. Thereafter, the individual or entity against whom the emergency or temporary order has been issued shall be entitled to a hearing.
7. In the event the individual or entity, who is the subject of the emergency or temporary order, enters one of the Nation's Gaming Facilities they shall be escorted from the facility. In addition, should said individual be located inside the Gaming Facility and engaged in gaming activity, the Gaming Facility shall seize all monies owed to the Patron, which includes but is not limited to prizes, gifts, awards, pays and plays and remit them to the Gaming Commissioner to be distributed according to applicable law or Compact requirement.



# *The Chickasaw Nation*

## **GAMING COMMISSIONER'S REGULATIONS**

### *Title 11: Enforcement*

#### **Part 1. General**

##### **Section 11-1.01 Purpose and Authority**

The following Regulations are designed to meet requirements of the Chickasaw Code, Title 3 and the gaming Compact(s) entered into by the State of Oklahoma and the Chickasaw Nation regarding the enforcement of applicable tribal law, regulations, policies and standards.

#### **Part 2. Prohibited Acts**

The actions described in this Title constitute a violation of the Nation's law, applicable federal law, applicable federal regulations, and applicable tribal policies and regulations and are prohibited. Sanctions and penalties may be assessed by the Gaming Commissioner for such violations as described herein.

##### **Section 11-2.01 Definitions**

1. The Definitions of Title 2 are also hereby incorporated into these Regulations.

##### **Section 11-2.02 Unauthorized Activity**

For the purposes of this Title, a person or entity may be found to be engaging in unauthorized activity, which includes but is not limited to the following:

1. Failure to apply and receive a Gaming License or Gaming Permit prior to commencing work, or providing goods or services for the Nation or in any of the Nation's gaming facilities, in accordance with Title 2 of these Regulations; or
2. Participation in any gaming activity within the Nation's Indian Country that has not been approved by the Gaming Commissioner.

##### **Section 11-2.03 Manipulation of Gaming Activities**

For purposes of this section, manipulation of gaming activities is defined as:

1. Manipulating any component or part of a game in a manner contrary to the designed and normal operational purpose for such component or part, where it is known or should be known that such manipulation will affect the outcome of the game, or with knowledge of any event that affects the outcome of the game. This includes manipulation by any means to alter the elements of chance, method of selection or criteria that determines:
  - A. The result of a game;
  - B. The amount or frequency of payment in a game;
  - C. The value of a wagering instrument; or
  - D. The value of a wagering credit.

2. Altering or misrepresenting the outcome of any gaming or other event on which wagers have been made after the outcome of such gaming or event has been determined but before such outcome is revealed to the patrons.
3. Placing or increasing a bet or wager with knowledge of the outcome of the gaming or event, which is the subject of the bet, or wager, including past-posting and pressing bets.
4. Aiding anyone in acquiring such knowledge as described herein for the purposes of increasing or decreasing any bet or wager, or for the purpose of determining the course of play.
5. Reducing the amount wagered or canceling a wager after acquiring knowledge of the outcome of the game or other event which is the subject of the bet or wager, including pinching bets.

#### **Section 11-2.04 Fraud**

For purposes of this Section, fraud is defined as:

1. Deception or misrepresentation by an individual, or any person acting on behalf of an individual who knew or who had reason to know or should have known that the deception or misrepresentation could result in some benefit to self or some other person; or
2. A claim that is false or fictitious, or includes or is supported by a statement or action; asserts or presumes a material fact which is known or should be known to be false or fictitious, or includes or is supported by corroborative evidence that:
  - A. Omits a material fact; and/or
  - B. Is false or fictitious as a result of such omission.

#### **Section 11-2.05 Undue or Improper Influence**

Any act of wrongful constraint or urgency of persuasion creating the perception or reality of perception that a decision maker of the Nation is not acting of his own free will is considered undue or improper influence and is prohibited.

#### **Section 11-2.06 Bribery**

The offer or acceptance of anything of value to exert or attempt to exert undue influence over government decisions or processes related to gaming action are prohibited and subject to sanction.

### **Part 3. Investigations**

#### **Section 11-3.01 Scope**

The Gaming Commissioner or designee may conduct investigations in the following areas, which include but are not limited to:

1. The background and licensing of employees and vendors as described in Title 2 of the Gaming Commissioner's Regulations;
2. Compliance with internal control standards; and
3. Any other investigation reasonably related to governmental gaming activities of the Nation.

### **Section 11-3.02 Failure to Cooperate**

1. It is a violation of these Regulations for any Gaming License or Permit holder to refuse to cooperate with the Gaming Commissioner or his designee in the performance of any investigative functions by:
  - A. Falsifying, withholding or otherwise failing to disclose any records, documents, materials, or other information of any kind requested verbally or in writing by the Gaming Commissioner or his staff in the performance of their duties; or
  - B. Refusing to be interviewed by the Gaming Commissioner or his staff in the performance of their duties.

### **Section 11-3.03 Obstruction of an Investigation of the Gaming Commissioner**

Any Gaming License or Permit holder who interferes or attempts to influence another person to obstruct any investigation conducted by the Gaming Commissioner or his staff into any matter within its authority under the Nation's law shall be subject to the penalties described within these Regulations.

### **Section 11-3.04 Improper Interference**

1. Acts or omissions of any license or permit holder that interferes with or prevents the Gaming Commissioner or his staff from fulfilling its duties and responsibilities under these regulations, the Nation's law, or other applicable federal law or regulations are prohibited.
2. Any offer or any promise of consideration or thing of value offered for the purpose of affecting a decision or actions of the Gaming Commissioner or his staff is prohibited.

## **Part 4. Unlawful Diversion of Gaming or Gaming Related Revenue**

### **Section 11-4.01 Unlawful Diversion**

1. The unauthorized diversion of gaming funds for charitable or non-charitable purposes by gaming facilities or their employees that deprives the Nation of revenue is prohibited.
2. It shall be unlawful for any official or employee of the Nation to divert gaming revenue for any unauthorized purpose of any kind, including, among other, charitable purposes, without proper authorization by the Governor or his or her designee.
3. For purposes of this Section the term "divert" shall mean to donate, transfer or convey gaming revenue to any person or entity without the authorization of the Governor or his or her designee.

## **Part 5. Non-Compliance**

### **Section 11-5.01 Failure to Comply**

It is violation of these Regulations for any person or entity, including, but not limited to, any license or permit holder to:

1. Fail to comply with the Nation's law, policy or applicable federal law or policy related to the conduct of gaming within the Nation's Indian country;
2. Fail to comply with the internal control standards as approved by the Gaming Commissioner; or
3. Fail to comply with any policy, directive or order of the Gaming Commissioner.

## **Part 6. Penalties**

### **Section 11-6.01 Penalties**

The Gaming Commissioner, upon a final determination that a violation of any applicable tribal law, regulations, policies and standards by any person or entity has occurred, may assess one or more of the following penalties or sanctions against the gaming facility and/or the person(s) or entities responsible:

1. Assess a fine in any amount up to twenty-five thousand dollars (\$25,000);
2. Deny or revoke any Gaming License or Permit;
3. Issue an order barring such person from the premises of any of the Nation's Gaming Facilities;
4. Publish a legal notice in any of the Nation's Gaming Facilities describing the nature of the violation, the penalty assessed and the identity of the person committing the violation.



# *The Chickasaw Nation*

## GAMING COMMISSIONER'S REGULATIONS

### *Title 12: Rules for Boxing and Other Activities*

#### **Part 1. General Provisions**

##### **Section 12-1.01 Purpose**

The purpose of this Part is to implement the Chickasaw Nation Professional Boxing Licensing Act and to protect, maintain and improve the safety and welfare of the Participants of professional boxing, wrestling, kickboxing, Elimination Tournaments, and Mixed Martial Arts, as well as the general public. The provisions of this Part 1 (General Provisions) shall uniformly apply to all other Parts of this Title 23 (Rules for Boxing and Other Activities) unless otherwise noted herein.

##### **Section 12-1.02 Definitions**

The definitions found in Section 3-501.4 of the Chickasaw Nation Professional Boxing Licensing Act shall apply to this Part. The definitions in Title 2 of the Gaming Commissioner's Regulations are incorporated herein by reference. The following words or terms, when used herein, shall have the following meaning, unless the context clearly indicates otherwise:

1. **"Act"** means the Chickasaw Nation Professional Boxing Licensing Act.
2. **"Announcer"** means a person responsible for announcing the names of the Officials, the Participants, their correct weight, the decisions of the Referee and judges during an Event.
3. **"Boxing"** means any form of competitive pugilism or unarmed combat in which a blow is usually struck which may reasonably be expected to inflict injury, including, but not limited to, Boxing, wrestling, and Kickboxing, including the Martial Arts as defined by the Act.
4. **"Cage Fighting"** means combat in an octagon or other area conducted under rules different from those referenced in the Professional Boxing Safety Act as amended by the Muhammad Ali Boxing Reform Act ((14 U.S.C. §6301, *et seq.*). The term primarily references contact matches emphasizing one or more Martial Art under rules established by the Commissioner.
5. **"Commissioner"** means the Gaming Commissioner of the Chickasaw Nation which is an individual and/or official office of an individual office holder, and not a Commission, as described in the Act or his/her duly authorized representative, which may include but is not limited to inspectors.
6. **"Down"** means when any part of a Participant's body, except the Participants' feet, touches the ring floor or when the Participant is hanging helplessly over the ropes as a result of a legal blow as ruled by the Referee.
7. **"Drug"** means a controlled substance.
8. **"Elimination Tournament"** means a tournament in which the Participants compete in a series of Events to decide the winner in which losers are eliminated in successive rounds.
9. **"Event"** means "contest" or "exhibition" including a match, bout, contest, show, or tournament where sparring, boxing, kickboxing, wrestling, elimination tournaments, Cage Fighting and/or the Mixed Martial Arts, takes place.

10. **“Mandatory 8 Count”** means a required count of eight (8) that is given by a Referee to a Participant who has been knocked down.
11. **“Mixed Martial Arts (MMA)”** means any form or Mix of karate, kung fu, tae kwon-do, or any other form of Martial or self-defense art.
12. **“Matchmaker”** means an individual who brings together Professional Boxers or arranges Professional Boxing Contests or Professional Exhibitions.
13. **“Medical Evaluation”** means an evaluation conducted by a licensed medical doctor (MD) or doctor of osteopathy (DO) and includes but is not limited to, a neurological exam, CT scan or MRI, general physical examination including comprehensive blood work, eye examination, hearing examination, or other types of medical evaluations, at the discretion of the Commissioner or designee, necessary to ascertain the overall health, well-being and suitability to participate in a professional Boxing, kickboxing, Mixed Martial Arts, or wrestling event sanctioned by the Chickasaw Nation.
14. **“No Decision”** means boxing or sparring where a decision is not rendered.
15. **“Official”** means Referees, judges, Matchmakers, managers, Second(s), Announcers, Timekeepers and physicians involved in Events.
16. **“Participant”** means a Professional who takes part in a Professional Boxing Contest or Professional Exhibition or a professional who takes part in Cage Fighting.
17. **“Promoter”** means an individual, whether a resident or nonresident of the Chickasaw Nation, of club or corporation, that produces and/or stages Professional Contests or Professional Exhibitions conducted within the Chickasaw Nation and shall include any officer, director, or employees as defined by the Commissioner.
18. **“Referee”** means the person in charge of enforcing these rules during an Event.
19. **“Ring Official”** means any individual who performs an official function during the process of an Event including but not limited to Timekeepers, judges, Referees, and attending physicians.
20. **“Second”** means any person aiding, assisting, or advising a Participant during a boxing, kickboxing, Elimination Tournament, or Mixed Martial Arts Event.
21. **“Telecast Promoter”** means any Promoter who shows or causes to be shown in a closed-circuit telecast of any Event that originates within the Indian country of the Chickasaw Nation.
22. **“Timekeeper”** means a person responsible for keeping accurate time during each Event and also responsible for the knockdown count for boxing, kickboxing, Elimination Tournaments, and Mixed Martial Arts Event.
23. **“Wrestling”** means any form of fighting or combat between two or more Participants where such Participants deliver blows to an opponent’s body, execute throws to an opponent’s body, or apply holds to the opponent’s body, except boxing and kickboxing.

### **Section 12-1.03 Prohibited Acts**

No person shall engage in any activities regulated by this Part within the Chickasaw Nation without first obtaining a license from the Commissioner.

### **Section 12-1.04 License Process**

1. All inspectors, Promoters, Telecast Promoters, Participants, Referees, judges, Matchmakers, managers, Second(s), Announcers, Timekeepers and physicians must apply for and be issued a license before participating in an Event.
2. Each applicant for a license shall request an official application from the Commissioner. The Commissioner will not process any application for a license that does not contain the proper

- fee and all information required from the applicant. All applicants must have reached the age of eighteen (18) to be eligible to receive a license. All licenses shall be in effect upon issuance by the Commissioner or designee, and all licenses shall expire one (1) year from date of issuance unless the license is suspended or revoked for just cause by the Commissioner.
3. Each Participant shall consistently use the same name in Events. Each Participant shall provide the Commissioner with the Participant's legal name and the name to be used in Events, if different from the Participant's legal name.
  4. The license fee shall be noted on the application for the following:
    - A. Promoter;
    - B. Participant;
    - C. Referee;
    - D. Judge;
    - E. Matchmaker;
    - F. Second;
    - G. Announcer;
    - H. Timekeeper; and
    - I. Telecast Promoter.
  5. Applicants must provide a residence or business address at the time of application and inform the Commissioner in writing within thirty (30) days of any changes of address.
  6. Applicants shall provide the Commissioner with government issued identification showing proof of age.
  7. Any person whose Chickasaw Nation license is lost or stolen may obtain a replacement from the Commissioner.
  8. No license issued under the Ace or these Regulations shall be transferable.
  9. Boxing and MMA Participants shall:
    - A. Submit a certified copy of medical tests performed by a certified laboratory verifying the applicant is not infect with the Human Immunodeficiency Virus (HIV) or Hepatitis B or C virus or at the discretion of the Commissioner, any other communicable disease which may threaten the health, safety and welfare of Participants, Ring Officials or Patrons. The medical tests shall not be dated more than ninety (90) days before the application is submitted.
    - B. A Boxing or MMA Participant who receives positive results for Human Immunodeficiency Virus (HIV) or Hepatitis B or C virus or at the direction of the Commissioner, any other communicable disease which may threaten the health, safety and welfare of Participants, Ring Officials or Patrons, shall not be allowed to fight for that Event.
    - C. All fees involved with the tests required in section A shall be the sole responsibility of the Participant or Promoter.
  10. No later than six (6) hours before the start of any professional Boxing or MMA Event each Participant shall:
    - A. Submit certified copies of medical tests performed by a laboratory verifying the applicant is not infected with the Human Immunodeficiency Virus (HIV) or Hepatitis B or C virus or at the direction of the Commissioner, any other communicable disease which may threaten the health, safety and welfare of Participants, Ring Officials or Patrons.
    - B. The medical tests shall not be dated more than ninety (90) days before the schedule Event in which the Participant will compete.

11. At the discretion of the Commissioner or designee, a Participant maybe required to submit documentation or medical information, which may include but is not limited to, medical records, in order to evaluate the Participant's health, well-being and suitability to participate in a professional boxing, kickboxing, Mixed Martial Arts, or wrestling event sanctioned by the Chickasaw Nation.
12. At the discretion of the Commissioner or designee a Participant may be required to undergo a medical evaluation by a licensed physician and to submit the results of the same to the Commissioner prior to be licensed or allowed to participate in a professional boxing, kickboxing, Mixed Martial Arts, or wrestling event sanctioned by the Chickasaw Nation.
13. Before licensing a Participant over the age of thirty-six (36) years of age, the Participant may be required to submit with his/her license application results of the following for the Commissioner's evaluation:
  - A. A complete general physical on a form supplied by the Commissioner or designee.
  - B. An electrocardiogram (EKG).
  - C. A stress echo test.
  - D. An eye exam.
  - E. Any other medical records, medical evaluations, or test results as may be required by the Commissioner designee.

#### **Section 12-1.05 Sanctioning Permits**

1. A sanctioning permit issued by the Commissioner shall be required in order to conduct, sponsor, hold or participate in Professional Boxing Contests, Professional Exhibitions, or Cage Fighting.
2. Prior to an Event, the Promoter shall apply for a sanctioning permit for each Event from the Commissioner. The request for the sanctioning permit must be received by the Commissioner at least thirty (30) days before the Event.
3. Before issuing any license or sanctioning permit, the Commissioner shall consider the following, in order of importance:
  - A. The preservation of the safety and health of the Participants;
  - B. The best interest and welfare of the public;and
  - C. The best interest of professional Boxing and Cage Fighting in general.
4. The Commissioner shall not approve sanctioning permits between human Participants and non-humans or between males and females.
5. The fee(s) for sanctioning an Event shall be set annually by written order of the Commissioner.
6. No licensed Promoter, Official or Participant shall serve in any capacity at Events for which the Commissioner has denied a sanctioning permit.
7. All Persons or entities who participate in any Professional Boxing Contest, or Professional Exhibition, or Cage Fight sanctioned by the Commissioner, including but not limited to, Professional Boxers, Cage Fighters, trainers, managers, corner persons, booking agents, Matchmakers, Promoters, referees, Judges, timekeepers, vendors, physicians, announcers, clubs, corporations and organizations with a Professional Boing Contest or Professional Exhibition or Cage Fight sanctioned by the Commissioner, shall be required to make application to the Commissioner for a license to participate in the Nation's jurisdiction in any Professional Boxing Contest, Professional Exhibition, or Cage Fight sanctioned by the Commissioner.
8. The notice of sanction issued by the Commissioner shall comply with the requirements of the Act.

### Section 12-1.06 Promoters

1. No person, association, partnership, corporation, or organization shall promote any professional Event without obtaining a license from the Commissioner.
2. A Promoter shall:
  - A. Provide the following proof of insurance to the Commissioner and the Chickasaw Nation insurance department:
    - I. Medical benefit policy in the amount of at least \$25,000 for each Participant, provided the Commissioner may increase the amounts as circumstances warrant;
    - II. Death benefit policy in the amount of at least \$25,000 for each Participant provided the Commissioner may increase the amounts as circumstances warrant; and,
  - B. Provide a surety bond to the Commissioner and the Chickasaw Nation's insurance department in the amount of \$25,000. The Commissioner may increase the amount of the surety bond as the circumstances warrant.
  - C. In the event the Promoter is not able to secure a surety bond, the Promoter may request in writing to provide cash, a certificate of deposit, or other forms of security acceptable to the Commissioner. The Commissioner may modify, approve or deny the Promoter's request.
  - D. Not hold a license as a Second, Referee, Timekeeper, or judge.
3. Promoters shall have a contract with each Participant and shall maintain copies for a minimum of two (2) years.
4. Each Promoter shall supervise the conduct of the Promoter's employees, and shall be directly responsible for them to the Commissioner for violations of the Act and of this Title.
5. The Commissioner hereby deems any violations by any employee or representative of a Promoter as a violation by the Promoter.
6. Before the Commissioner considers issuing a license, the Promoter shall:
  - A. Submit a completed application form with the required fee.
  - B. Have reached the age of eighteen (18).
  - C. Provide the Commissioner with evidence that the applicant possesses knowledge of the responsibilities involved in promotion under the Act and this Title and has the ability and intent to comply therewith.
7. Promoters shall be responsible to the Commissioner for all Events held and for meeting all deadlines for permit applications.
8. Promoters are responsible for ensuring the maintenance of adequate public safety at all Events. Failure to ensure adequate public safety may result in cancellation for an Event, discipline against a general liability insurance policy for the purposes of Boxing, kickboxing, Elimination Tournaments, wrestling and MMA Events.
9. The Promoter is responsible for ensuring that no bottled drinks, unless poured into plastic cups by vendors at the time of sale, or glass ashtrays are permitted in any venue where any Event is being held. If the Event is staged out-of-doors, plastic cups must be used on the site of the Event.
10. Promoters and all licensed individuals and organizations associated with the Events shall be familiar with the Act and these regulations. Any questions or interpretations of the Act or these regulations should be referred to the Commissioner or designee.
11. No one shall interfere with the inspectors' duties, use foul language, or threaten physical harm.

12. The Promoter shall be responsible for performance of requirements of the Acts and of the rules in this Title at each Event.
13. The Promoter shall arrange for an ambulance to be on site at each Event with emergency medical personnel and proper resuscitation equipment.
14. The Promoter shall be responsible for all costs of necessary to secure the employment and appearance of those Officials who are required to provide services at an Event. The Commissioner will provide the Promoter with a list of Officials who are required to provide services at an Event and the amount that must be paid to the Official prior to the start of the Event.
15. The Promoter of and Event between female Participants shall provide adequate, separate dressing rooms.

#### **Section 12-1.07 Denial of License or Permit**

1. The Commissioner or designee may deny any application for license that does not comply with the requirements of the Act or this Title. No license shall be issued for a period of sixty (60) days from the date of the Participant's last Event not sanctioned by a state or tribal commission. Participants who are currently licensed by the Commissioner shall likewise not be approved to compete in an Event for a period of at least sixty (60) days from the date of their last non-sanctioned Event.
2. The Commissioner may refuse to issue any sanctioning permit because of the unavailability of an inspector(s), unavailability of Official(s), the location of the Event is determined by the Commissioner to be inadequate or unsafe, incomplete application, or for any other reason under these Regulations or the Act.
3. The Commissioner or designee may deny any type of new or renewal license or sanctioning permit to an applicant having an unpaid license fee, sanctioning permit fee, pending security forfeiture, or assessment due Commissioner, or assessment due the Chickasaw Nation Tax Commission pursuant to Title 3 of the Chickasaw Code, the Act or this Title.
4. Should an applicant for a license be denied, the applicant may only appeal the denial to the Commissioner. The final determination of the Commissioner regarding the issuance of a license is not appealable to the Nation's courts.

#### **Section 12-1.08 Pre-Event Physicals & Ringside Physician Responsibilities**

1. Within thirty-six (36) hours before any Event sanctioned in accordance with these Regulations, the ringside physician shall administer Pre-Event medical examinations to all Participants. The ringside physician shall be a state licensed medical doctor (MD) or doctor of osteopathy (DO). The physician shall be appointed by the Commissioner. The examination shall include, at a minimum, the following with the results written on a form provided by the Commissioner:
  - A. Blood pressure;
  - B. Head;
  - C. Eyes;
  - D. Ears;
  - E. Nose;
  - F. Throat;
  - G. Lungs;
  - H. Chest;
  - I. Heart;
  - J. Abdomen; and

- K. Orthopedic.
2. If the ringside physician determines a Participant is unfit to compete for any reason, that Participant shall not be allowed to participate in any Event for which they are scheduled until cleared by the ringside physician.
  3. The physician shall certify, in writing, those participants who are in good physical condition to compete.
  4. An Event shall not begin until a physician is present. The physician shall not leave the Event site until the decision in the final Event has been announced and all injured Participants have been treated.
  5. The physician shall sit near the steps leading into the ring and the Event shall not begin until the physician is seated. The physician shall remain at that location for the entire Event.
  6. Each Participant shall remain at the Event site until released by the physician.
  7. The ringside physician shall remain at ringside at all times during all Events.
  8. The ringside physician shall perform post-Event medical evaluations of all Participants. The Commissioner shall provide forms for the ringside physician to complete.
  9. All Participants shall be examined at the pre-fight examination to screen for excessive or extreme weight loss practices leading to dehydration.

#### **Section 12-1.09 Disciplinary Action**

Any violation of these Regulations or the Act by a licensee may result in disciplinary action by the Commissioner or designee and may include but not limited to, immediate suspension pending a hearing, suspension for a definite term, conditional suspension, and/or revocation of any license issued by the Commissioner and/or issuance of a fine or fines in accordance with these Regulations.

#### **Section 12-1.10 Inspectors**

1. The Commissioner or designee will assign inspectors necessary for the conduct of Events pursuant to the requirements of these Regulations or the Act.
2. During Events, all Officials and Participants at all times shall be under the direction of the Commissioner or designee and/or the inspector(s).
3. Employees and inspectors assigned by the Commissioner or designee shall not have any interest in or connection with, either directly or indirectly, any promotion in this jurisdiction have any interest, directly or indirectly, in any Event or Participant.
4. Before the start of an Event the Commissioner or designee or an inspector must check all Participants, Promoters, Matchmakers, Announcers, Seconds, Timekeepers, Referees, and physicians for licenses issued by the Commissioner. Any of those persons not possessing a valid license issued by the Commissioner shall not participate in the Event.
5. The Commissioner or designee and/or the inspector(s) must be present in the dressing rooms at the designated time for weighing in Participants and inspecting all equipment.

#### **Section 12-1.11 Tickets**

1. Every person admitted to a sanctioned Event shall:
  - A. Pay the retail price of an have a ticket;
  - B. Be issued a complimentary ticket or pass;
  - C. Have a valid license as an Official, Participant, or vendor for the Event;
  - D. Be a designated representative of the Commissioner or guest.
2. Complimentary tickets or passes may be issued by the Chickasaw Nation Division of Commerce (CNDC) to the general public, members of the media, Officials of the Chickasaw

Nation, designated representatives of the Commissioner or guest(s), and to those persons working at the Event. Complimentary tickets or passes shall be free of all fees.

3. The retail price of the tickets shall be printed in large type and displayed prominently above or near all ticket sellers or ticket windows.
4. All retail ticket prices shall be disclosed at the same time an application for a sanctioning permit is submitted to the Commissioner.
5. Ticket prices shall not be changed without the written notice to the Commissioner.
6. Tickets of different prices shall be printed in different colors, or state the retail price on the face of the ticket.
7. The Commissioner or designee may audit the ticket and sales document(s) at any time.

#### **Section 12-1.12 Telecast Promoter**

1. As required by the Act, the Commissioner shall develop and implement an application to be completed by Telecast Promoters who will broadcast or record an Event. The application shall at a minimum contain:
  - A. The date, manner and or method of the broadcast;
  - B. The origination address of the broadcast;
  - C. A statement that the applicant acknowledges responsibility for the payment of any assessments to the Commissioner;
  - D. The time frame by which the post-event assessment reports must be filed;
  - E. The portion of the closed-circuit rights for which the application is acknowledging responsibility; and
  - F. Such other information as the Commissioner may deem necessary.
2. All Telecast Promoters shall complete an application for a telecast permit to be approved by the Commissioner. The application for the permit, and any required fee, shall be submitted to the Commissioner no less than thirty (30) days prior to an Event.
3. Upon approval of the application, the Commissioner will issue a telecast permit.

#### **Section 12-1.13 Participant Responsibilities and Requirements**

1. During all Events of which they are a competitor, all male Participants shall wear groin protection; all female Participants may wear groin protection, which includes but is not limited to a plastic pelvic protector, and breast protection; and all Participants shall wear mouth pieces.
2. A Participant shall not compete in a scheduled Event if the Participant is under suspension from another jurisdiction at the time of the scheduled Event of which they are listed as a competitor.
3. Participants shall not wear any type of body piercing, hard contact lenses, dentures or removable dental work during the Event of which they are listed as a competitor. A Participant with dental braces may compete if the Participant wears a fitted mouthpiece covering the entire brace.
4. Female Participants shall not engage in any Event with a male Participant.
5. In addition to requirements for male Participants, female Participants shall:
  - A. Have hair secured, with soft and non-abrasive material, in a manner that does not interfere with vision or safety of either Participant; and
  - B. Use no facial cosmetics.
6. A female Participant must, before each Event, submit a pregnancy test. The Commissioner shall retain and assign a third-party independent laboratory to collect and test all necessary samples from female Participants. The Commissioner or designee shall ensure that a duly

authorized representative from the aforementioned laboratory is present at all events in order to perform the aforementioned testing. The authorized person from the laboratory shall be the sole custodian of any samples collected and any reports related thereto.

7. Only female Participants with negative test results shall be allowed to compete in an Event sanctioned by the Chickasaw Nation.
8. The Promoter of an Event between female Participants shall provide adequate, separate dressing rooms.

#### **Section 12-1.14 Changing the Results or Outcome of an Event**

1. Any Participant may request, in accordance with Part 8 of these Regulations, the Commissioner or designee to change the results or outcome of an Event. Prior to issuing a decision on the aforementioned request, the Commissioner or designee shall convene an administrative hearing in accordance with Part 8 of these Regulations and thereafter issue final determination on the same. The Participant must present clear and convincing evidence at the administrative hearing to support a finding by the Commissioner that would change the results or outcome of an Event.
2. In the event of a gross violation of these Regulations or the Act by an licensee at an Event, the Commissioner may change the results or outcome of an Event as the facts and circumstances warrant, provided, notice of the same is provided to all interested parties.

#### **Section 12-1.15 Throwing In the Towel**

1. In order to protect the health, welfare and safety of a Participant, the chief Second for that Participant may request to retire that Participant by throwing in the towel to get the attention of the Referee to call a stop to the action of the Event.
2. The chief Second shall only use the official towel that has been provided by the Commissioner or designee.
3. Any Event that was stopped as a result of a Participant requested to be retired by their chief Second shall lose by Technical Knockout (TKO) and their license will be automatically suspended for at least thirty (30) days, provided the ringside physician may extend this suspension as the circumstances warrant.

#### **Section 12-1.16 Variance Requests**

Unless specifically addressed or otherwise prohibited by law as the circumstances warrant, the Commissioner has the inherent authority to grant variances from any rule or regulation.

## **Part 2. Boxing and Kickboxing Participants**

#### **Section 12-2.01 General Provision**

In addition to Part 1, Part 2 shall apply to Boxing and kickboxing. In addition, all professional Boxing Events shall be conducted in accordance with the Unified Rules of Professional Boxing as adopted by the Association of Boxing Commissions unless otherwise determined by the Commissioner.

#### **Section 12-2.02 The Professional Boxing Safety Act of 1996 as amended by the Muhammad Ali Boxing Reform Act**

The Commissioner hereby adopts by reference the current rules and guidelines adopted by the Association of Boxing Commissions (ABC) for issuance of identification cards, suspension of licenses, and reporting Event results required by the Professional Boxing Safety Act of 1996 as

amended by the Muhammad Ali Boxing Reform Act. Any amendment to the rules and guidelines of the ABC in the above stated areas shall be deemed adopted by the Commissioner by reference, unless the Commissioner takes affirmative action to the contrary within sixty (60) days after notification thereof.

### **Section 12-2.03 Application**

1. Participants shall complete an application to be provided by the Commissioner. The application shall request information regarding the applicant's full legal name, residence or business street address, weight, height, eye color, hair color, date of birth, and social security number for purposes of identification only.
2. Applicants shall provide a valid driver's license with a recent photo of the applicant or some other government issued proof of identity with a recent photo of the applicant and one other form of identification.
3. The Commissioner or designee shall obtain an identification number for each boxer pursuant to the rules and guidelines of the Association of Boxing Commissions.

### **Section 12-2.04 Matchmakers**

1. In Boxing, the Promoter and Matchmaker shall not be the same person.
2. If the Matchmaker is employed by the Promoter, both the Matchmaker and the Promoter are jointly responsible for Events made and compliance with applicable laws, including the Act, and the rules in this Part.
3. The duties of the Matchmaker shall include arranging the Event, matching the Participants as to weight and experience and ensuring that all the required equipment is in its place. While the Events are in progress, the Matchmaker shall cooperate with the inspector(s) and is responsible to the Commissioner or designee for the actions of the Promoter.

### **Section 12-2.05 Boxing and Kickboxing Referees**

1. The Referee is the sole arbiter of an Event and is the only individual authorized to stop an Event. The Referee is charged with the enforcement of all Commissioner rules that apply to the conduct of the Event and the conduct of the Participant and Participant's Second(s) while the Participant is in the ring. Before the Commissioner issues a Referee's license, the applicant must certify that the applicant has read the Act and these rules. The Commissioner may require the applicant to take and pass a written test, to be conducted by the Commissioner, covering the Act, this Part, and the rules of the sport as published by national or international sanctioning bodies for the sport of Boxing as designated by the Commissioner. Referees shall not wear spectacles, unless they are of the sport-style goggles or contacts, while refereeing.
2. Before starting each Event, the Referee shall check with each judge and the Timekeeper to determine if each is ready. The Referee will also obtain the name of the chief Second in each corner. The Referee shall require that the chief Second control the activities in that Participant's corner under the rules of this Part.
3. The commissioner or designee shall appoint the Referee and the decision of the Referee shall be final.
4. The Referee shall stop an Event, if the Referee deems advisable, when:
  - A. The physical condition of one (1) or both of the Participants requires stopping;
  - B. One (1) of the Participants is clearly outclassed by the opponent;
  - C. The Referee decides that a Participant is not making a best effort; or
  - D. For any other reason the Referee deems sufficient.

5. In the event of cuts or injuries, the Referee shall summon the ringside physician for a recommendation regarding the potential health risk to the Participant at any time.
6. The Referee shall inspect the gloves and hand wraps of the Participants in all Events and make certain that no foreign substances detrimental to an opponent have been applied to the gloves or bodies of the Participants both prior to and upon completion of the Event. In preliminary Events to the main Event when the Participants' gloves are adjusted in the dressing rooms, the Referees will inspect the gloves, hand wraps and bodies of the Participants.
7. The Referee shall warn the chief Second of violations of any rules relating to Seconds. Should the chief Second not comply with the requirements of the Referee, the Referee shall warn the chief Second that further violations will result in disqualification of the Participant, referral to the Commissioner or designee for action for the suspension for discipline under the rules, which may include but is not limited to suspension and or removal from the ring for the remainder of the Event at the discretion of the Referee.
8. The Referee shall instruct judges to mark their scorecards accordingly when assessing a foul upon one (1) of the Participants. The Referee shall deliver the scorecards to the judges, the Referee shall ensure the cards are computed, winners name is circled and the judge's name is entered. The Referee should examine the scorecards. If the scorecards are not correctly completed, the Referee should instruct the judges to complete the scorecards correctly.
9. The Referee shall ensure that an Event moves to its proper completion and may only be stopped or completed, not delayed, except in cases of damaging fouls. Delaying or avoiding tactics, or both, should be avoided and the Participant who employs these tactics should be penalized in the scoring.

#### **Section 12-2.06 Rounds**

1. Each round shall consist of three (3) minute duration, with a one (1) minute rest period between rounds.
2. All Participants are required to wear a mouthpiece during competition. The round cannot be without the mouthpiece. If the mouthpiece is dislodged during competition, the Referee will call time and have the mouthpiece replaced at the first opportune moment, without interfering with the immediate action. Points may be deducted by the Referee if the Referee feels the mouthpiece is being purposely ejected.

#### **Section 12-2.07 Knock Downs**

1. A Participant who is knocked down shall take a Mandatory Eight (8) Count. During the Mandatory Eight (8) Count, the Referee shall assess the condition of the Participant prior to continuation of the Event, or stop the Event. During any count, the opponent shall immediately go to the neutral corner and remain there until the Referee signals the Event to continue.
2. If a Participant is dazed by a blow and, in the Referee's opinion, is unable to continue, the Referee may stop the Event.
3. In the event of a knockdown, the Timekeeper shall immediately start the count loud enough to be heard by the Referee, who, after waving the opponent to the farthest neutral corner, shall pick up the count from the Timekeeper and proceed from there. The Referee shall stop the count if the opponent fails to remain in the corner. The count shall resume when the opponent returns to the corner.
4. The Timekeeper shall signal the count to the Referee.

5. If the Participant taking the count is still Down when the Referee calls the count of ten (10), the Referee shall wave both arms to indicate that the Participant has been knocked out. The Referee shall summon the physician and shall then raise the opponent's hand as the winner. The Referee's count is the official count.
6. A Participant who has been knocked Down cannot be saved by the bell in any round.
7. A technical knockout (TKO) decision shall be awarded to the opponent if a Participant is unable or refuses to continue when the bell sounds to begin the next round. The decision shall be awarded in the round started by the bell.
8. If both Participants go down at the same time, counting will be continued as long as one of them is still Down or until the Referee or the ringside physician determines that one or both of the Participants need immediate medical attention. If both Participants remain Down until the count of ten (10), the Event will be stopped and the decision will be scored as a double knockout.
9. A Participant who has been knocked, wrestled, pushed, or has fallen through the ropes during an Event shall not be assisted into the ring, nor be hindered in any way when trying to re-enter the ring.
10. A Participant shall receive a twenty (20) second count if knocked out of the ring and onto the floor. The Participant shall not be assisted by Seconds. If the Participant is assisted by Seconds, the Participant shall be disqualified by the Referee.
11. If the Participant enters the ring before the count of twenty (20), the Event shall continue.
12. If the Participant fails to enter the ring before the count of twenty (20), the Participants shall be considered knocked out.
13. When a fallen Participant rises and falls again without being hit again, the Referee shall continue the original count, rather than starting a new count. If the bell rings, ending the round during the count, the count shall continue until the Participant rises. A Participant shall be deemed to be Down when any part of the body, with the exception of the feet, is on the floor or when hanging helplessly on or over the ropes. A Referee may count a Participant out either on the ropes or on the floor.
14. There is NO standing either (8) count.
15. There is NO three (3) knockdown rule.

### **Section 12-2.08 Injuries Sustained by Fouls**

1. Intentional Fouls
  - A. If an intentional foul causes an injury, and the injury is severe enough to terminate the Event immediately, the Participant causing the injury shall lose by disqualification.
  - B. If an intentional foul causes an injury, and the Event is allowed to continue, the Referee shall notify the Officials and deduct two (2) points from the Participant who caused the foul. Point deductions for intentional fouls will be mandatory.
  - C. If an intentional foul causes an injury that results in the Event being stopped in a later round, the injured Participant will win by TECHNICAL DECISION if the Participant is ahead on the score card(s); and the Event will result in a TECHNICAL DRAW if the injured Participant is behind or even on the score cards.
  - D. If the Participant is injured while attempting to intentionally foul an opponent, the Referee will not take any action in favor of the offending Participant, and this injury shall be the same as one produced by a fair blow.
  - E. If the Referee feels that a Participant has conducted himself in an un-sportsman-like manner, he may deduct point(s) or stop the Event and disqualify the Participant.

2. Accidental Fouls
  - A. If an accidental foul causes an injury severe enough for the Referee to stop the Event immediately, the Event will result in a “No Decision” if stopped before four (4) completed rounds. Four (4) rounds are complete when the bell rings signifying the end of the fourth round.
  - B. If an accidental foul causes an injury severe enough for the Referee to stop the Event immediately after four (4) rounds have occurred, the Event will result in a “TECHNICAL DECISION” awarded to the Participant who is ahead on the score cards at the time the Event is stopped.
    - i. Partial or incomplete rounds will be scored.
    - ii. If no action has occurred, the round should be scored as an even round. This is at the discretion of the judges.
  - C. A Participant who is hit with an accidental low blow must continue after a reasonable amount of time which shall not exceed five (5) minutes or he/she shall lose the fight.

### **Section 12-2.09 Suspension Procedures for Participants**

1. The Commissioner or designee will notify the Association of Boxing Commissions, or its designee, of any determination or final order suspending or revoking a license or permit of a Participant or Event.
2. The Commissioner or designee shall suspend the license of any boxer required to be licensed pursuant to the Professional Boxing Safety Act of 1996 as amended by the Muhammad Ali Boxing Reform Act or any other licensed Participant due to:
  - A. Recent knockout or series of consecutive losses;
  - B. Un-sportsmanlike conduct;
  - C. An injury, requirement for a medical procedure, or physician denial of certification;
  - D. Failure of a drug test;
  - E. The use of false aliases, or falsifying, or attempting to falsify, official identification cards or documents; or
  - F. Suspension or revocation of license by a different jurisdiction.

### **Section 12-2.10 Timekeepers**

1. No licensed Timekeeper shall act as a Timekeeper at any Boxing, Mixed Martial Arts, Elimination Tournament, or kickboxing Event in this jurisdiction unless the Event is sanctioned in accordance with these Regulations.
2. The Timekeeper shall have during the performance of the Timekeeper’s duties a bell and at least two (2) stopwatches. In addition, the Timekeeper shall have a whistle, and a hammer or wooden mallet.
3. The Timekeeper shall be located within his arm length of the bell in a seat designated by the Commissioner or designee. No Event shall begin or continue unless the Timekeeper is the designated seat.
4. The Timekeeper shall not use the whistle, bell or other instrument during the progress of a round except in the manner and at the time authorized in this Title.
5. Ten (10) seconds before the beginning of each round, the Timekeeper shall give warning to the Seconds of each Participant by blowing the whistle. Ten (10) seconds before the end of each round, the Timekeeper shall give warning by pounding three (3) times on the ring floor or the table where the Timekeeper is stationed.
6. If directed by the Referee, the Timekeeper shall take a time out.

7. The Timekeeper shall strike the bell to signify the beginning and ending of each round.
8. If an Event ends before the scheduled number of rounds, the Timekeeper shall inform the Referee and the Commissioner or designee of the exact duration of the Event.
9. The Timekeeper shall be familiar with and perform such other duties as set forth in these Regulations.
10. If an automatic time keeping machine is available, it may be used, provided however, that manual time keeping is maintained in the event of equipment failure.

#### **Section 12-2.11 Announcers**

1. All Announcers shall be chosen and paid by the Promoter, but must however, comply with these Regulations.
2. Boxing, Mixed Martial Arts, Elimination Tournaments, and kickboxing Events must have a licensed Announcer.
3. Announcers shall announce the names of the Officials, the Participants, the Participants' correct weights, and the decisions of the Referee and judges. Promoters shall provide or work with the venue to provide equipment and facilities for announcing.
4. Introductions and announcements made to the general public must include, the statement "Sanctioned by the Chickasaw Nation."
5. At the end of each Event, the Commissioner or designee shall deliver the score card(s) to the Announcer who shall announce the results and immediately return them.
6. All Announcers shall complete an application for licensure and comply with all licensing requirements of the Commissioner. No Promoter shall permit any individual to act as an Announcer without an Announcer's license.
7. For the purpose of this Title, all ring girls, cage door operators, and the ring cleaning crew will be classified as announcer assistants and must also comply the requirements of this Section.

#### **Section 12-2.12 Seconds**

1. No licensed Second shall act as a Second at a any Boxing, Mixed Martial Arts, Elimination Tournament, or kickboxing Event in this jurisdiction unless the Event is held in accordance with the rules of this Title.
2. Seconds must be at least eighteen (18) years of age.
3. Each Participant shall be allowed no more than four (4) Seconds, one (1) of whom shall be designated the chief Second. The chief Second shall be in charge of the Participant's corner and be responsible for the conduct of all Seconds, and shall be held responsible for any violation committed by any Second.
4. The chief Second of any Participant shall have at the ringside a stool. A pair of scissors, a towel, a clean water bucket, a container of drinking water, and tape and bandages.
5. First aid and other ring equipment of a Second shall in all cases and at all times before, during, and after use, be available for inspection by the physician and the Commissioner whose decision shall be final as to the propriety of its use.
6. Seconds shall not by word or action attempt to heckle or annoy his Participant's opponent. Seconds shall not knock or pound on the ring floor.
7. No Second shall attempt to render aid to a Participant who has been counted out during the course of an Event before the physician has examined the Participant.
8. If any Second enters the ring during any Event, the Participant of that Second shall lose the Event by disqualification. If a Second mounts the ring apron during any Event, the Participant of that Second shall lose the Event by technical knockout (TKO).

9. The excessive or undue spraying of water on any fighter between rounds is prohibited.
10. Only one Second shall be allowed in the ring. No Second shall enter the ring until the bell indicates the end of a round. The Second shall leave the ring at the sound of the Timekeeper's whistle, which indicates ten (10) seconds remain before the start of the next round. Prior to the beginning of each round, the entire ring platform and ropes shall be cleared of all obstructions, including buckets, stools, towels, and other articles; and none of these articles shall again be placed on the ring platform until the bell has sounded indicating the end of the round.

#### **Section 12-2.13 Judges for Boxing and Kickboxing**

1. Three (3) judges shall together score each Event and each round.
2. The Commissioner or designee shall appoint the judges and the judges' decision shall be final.
3. A judge shall be seated on a high stool between the ring posts, not on the same side as another judge, with a clear view of the ring.
4. Judges shall score the Event using the 10-point must system.
5. The "10-point must system" means the winner of each round received 10 points as determined by clean hitting, effective aggressiveness, defense, and ring generalship. The loser of the round shall receive less than ten (10) points.
6. Judges shall deduct points for knockdowns only when they are called as such by the referee. Judges may only deduct points for fouls when they are instructed to do so by the referee.
7. Judges shall score each round of the Event on an individual scorecard. Each scorecard must be signed by the scoring judge. The Commissioner or designee shall furnish the judges with official scorecards. The Referee shall collect the scorecard from each judge and shall present the scorecards to the inspector before the start of each subsequent round.
8. If a judge becomes incapacitated and is unable to complete the scoring of a Event, a timeout shall be called and an alternate licensed judge shall immediately be assigned to score the Event from that point. If the incapacity of a judge is not noticed during a round, the Referee shall score that round and the substitute judge shall score all subsequent rounds.
9. The Commissioner may require an applicant for a judge's license to take and pass a written test, to be conducted by the Commissioner or designee, covering the Act, this Title and the rules of the sport as published by the national or international sanctioning bodies for the sport of Boxing and/or kickboxing, as designated by the Commissioner.

#### **Section 12-2.14 Liability of Matchmakers and Promoters**

The Promoter and Matchmaker shall be subject to the disciplinary action by the Commissioner for an Event in which one of the Participants is disproportionately outclassed. Persistent lack of judgement by a Promoter or Matchmaker in arranging Events shall be regarded as sufficient grounds for disciplinary action in accordance with these Regulations and all applicable laws.

#### **Section 12-2.15 Matched Participants**

The Commissioner or designee shall not allow a Boxing/kickboxing Event in which the Participants are not fairly matched.

## **Part 3. Professional Boxing and Kickboxing Events**

### **Section 12-3.01 Class and Weight for Boxing and Kickboxing Participants**

1. Boxing and kickboxing weights and classes for Participants are as follows:
  - A. Flyweight is 112 lbs. or under
  - B. Bantamweight is more than 112 to 118lbs.
  - C. Featherweight is more than 118 to 126lbs.
  - D. Jr. Lightweight is more than 126 to 130 lbs.
  - E. Lightweight is more than 130 to 135 lbs.
  - F. Jr. Welterweight is more than 135 to 140lbs.
  - G. Welterweight is more than 140 to 147lbs.
  - H. Jr. Middleweight is more than 147 to 154lbs.
  - I. Middleweight is more than 154 to 160lbs.
  - J. Light Heavyweight is more than 160 to 175lbs.
  - K. Cruiserweight is more than 175 to 195lbs.
  - L. Heavyweight is all over 195lbs.
2. Participants shall not fight outside their weight classification without approval of the Commissioner or designee and both Participants must agree in writing to compete at the weight differential.

### **Section 12-3.02 Weigh-In**

1. Within thirty-six (36) hours before an Event, or as otherwise determined by the Commissioner to benefit the safety and health of the Participants, the Commissioner or designee, or an inspector shall weigh in each Participant. The weigh-in shall occur in the presence of other Participants to the extent practicable.
2. Only those Participants who have been approved by the Commissioner or designee for the Event shall be permitted to weigh-in.

### **Section 12-3.03 Requirements for Boxing or Kickboxing Ring**

1. The ring shall not be less than sixteen (16) feet square or more than thirty-two (32) feet square within the ropes. The ring floor shall extend at least twelve (12) inches beyond the ropes. The ring floor shall be padded with ensolite or other similar closed-cell foam. Padding shall extend beyond the ring ropes and over the edge of the platform, with a top covering of canvas, duck or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges shall not be used.
2. The ring platform shall not be more than five (5) feet above the floor of the building unless approved by the Commissioner or designee, and shall be provided with steps for use by Participants and Ring Officials.
3. Ring posts shall be of metal not less than three (3) inches in diameter. Ring posts shall be at least eighteen (18) inches away from the ropes.
4. There shall be four (4) ring ropes, not less than one (1) inch in diameter and wrapped in soft material.
5. Spectator seats shall not be closer than six (6) feet from the outside edge of the apron of the ring, unless otherwise determined and approved by the Commissioner. The ringside area shall be under the jurisdiction of the Commissioner or designee for the use of designated working inspectors, Officials, Participants, Seconds, judges, Referees, physicians, Announcer, media representatives, and Commissioner Representatives or guests. The Commissioner or designee is responsible to see that the working area is controlled and free of nonessential individuals. The inspectors shall be provided seating next to the Announcer

and in each corner of a Participant.

6. The ring shall be inspected by the Commissioner or designee prior to the start of sanctioned Event to ensure that the ring meets the requirements of these Regulations.
7. The Promoter must request in writing any variation from the requirements set forth in this Section and the same must be approved by the Commissioner or designee prior to the start of an Event.

#### **Section 12-3.04 Gloves for Boxing and Kickboxing**

1. Gloves shall be examined before an Event by the Commissioner or designee, by the Referee and the inspector. If gloves are found to be broken or unclean or if the padding is found to be misplaced or lumpy, they shall be changed before the Event begins.
2. A Promoter shall have on hand two (2) extra sets of 10-ounce gloves and two (2) extra sets of 8-ounce gloves.
3. Gloves shall weigh at least eight (8) ounces for those boxers who weigh 154 pounds or less and at least ten (10) ounces for those who weigh over 154 pounds. All gloves must be thumb attached or thumbless and approved by the Commissioner or designee. When two Participants differ in weight classes, the Participants shall wear the gloves required for the higher weight classification.
4. The laces shall be tied on the outside of the back of the wrist of the gloves and shall be secured. The tips of the laces shall be removed.

#### **Section 12-3.05 Hand Wraps**

1. Participants' hand wraps shall consist of gauze not more than twenty (20) yards long and not more than two (2) inches wide. The use of adhesive tape over the knuckles is strictly prohibited. The adhesive tape shall not cover any part of the knuckles when the hand is clenched to make a fist. The gauze shall be held in place by not more than eight (8) feet of adhesive tape per hand. Strips of adhesive tape may be used between the fingers to hold down the bandage.
2. Bandages and tape shall be placed on the Participant's hands in the dressing room in the presence of the inspector and, if warranted, in the presence of the manager or chief Second of his or her opponent. Under no circumstances are gloves to be placed on the hands of a Participant without the approval of the inspector.  
The use of water or any other substance or material other than tape and gauze shall not be utilized, which includes but is not limited to pre-wraps.

#### **Section 12-3.06 Mouthpieces**

1. A round shall not begin until the Participant's protective mouthpiece is in place. If, during a round, the mouthpiece falls out of the Participant's mouth, the Referee shall, at the next lull, stop the Event and escort the Participant to the corner.
2. The mouthpiece shall be rinsed and replaced in the Participant's mouth by a Second in that Participant's corner and the Event shall continue.
3. If the Referee determines that the mouthpiece was intentionally ejected by the Participant, the Referee may direct the judges to deduct point(s) from that Participant's score for the round.

#### **Section 12-3.07 Use or Administration of any Drug**

1. The use or administration of any controlled substance, stimulants, or non-prescription preparations by or to a Participant during an Event is prohibited, except as provided in subsection (1), (3), and (4) of this section.

2. Participants may consume electrolyte drinks or water during the course of an Event. A licensed Second or Participant shall have the Commissioner or designee examine and approve electrolyte drinks before they are administered. The administering of substance other than electrolyte drinks and/or water to a Participant during an Event is prohibited.
3. Discretionary use of petroleum jelly and nothing else shall be allowed on the face, arms, or any other part of the Participant's body. The excessive use of petroleum jelly is strictly prohibited and the Referee shall cause any excessive petroleum jelly to be removed.
4. In case of a cut, only the topical use of the following is allowed: a solution of adrenaline 1/1000, avetine, and thrombin. The aforementioned substances must be new, unopened and in their original containers and approved by the Commissioner or designee prior to use at an Event.
5. The ringside physician shall monitor the use and application of any foreign substances administered to a Participant before or during an Event. The chief Second shall surrender to the Commissioner or designee or the physician, immediately upon request, any substance for laboratory analysis.

### **Section 12-3.08 Ringside Equipment**

1. Each Promoter shall provide all of the following:
  - A. A sufficient number of buckets for use by the Participants;
  - B. Stools for use by the Seconds;
  - C. Rubber gloves for use by the Referees, Seconds, ringside physicians, and inspectors;
  - D. Containers for Participants to spit in;
  - E. Seats at ringside for the assigned Officials. The physician shall be seated near the steps into the ring;
  - F. A bell;
  - G. A public address system;
  - H. A separate dressing room for each gender, if Participants of both genders are participating;
  - I. A separate room for physical examinations;
  - J. A separate dressing room shall be provided for Officials, unless the physical arrangements of the Event site make an additional dressing room impossible;
  - K. Adequate security personnel; and
  - L. High stools for use by the judges.
2. A Promoter shall only hold Events in premises that conform to the applicable laws, ordinances, and regulations of the jurisdiction where held.
3. Public restrooms shall not be used as dressing rooms, or for physical examinations, or weigh-ins.

### **Section 12-3.09 Boxing and Kickboxing Officials**

1. All Officials shall be assigned by the Commissioner or designee.
2. The Officials for each Event shall consist of not less than the following:
  - A. One (1) Referee;
  - B. Three (3) judges;
  - C. One (1) Timekeeper; and
  - D. One (1) physician.
3. A licensed Referee, judge, or Timekeeper shall not officiate at any Event within the Chickasaw Nation that is not sanctioned by the Commissioner.

4. Officials shall be paid by the licensed Promoter in accordance with the rules of this Part. The licensed Promoter shall pay Officials a reasonable fee to be approved in advance by the Commissioner.
5. No Official shall be under the influence of alcohol or Drug while performing their duties. The Commissioner or designee may require an Official to be tested for the presence of alcohol or Drug in the same manner that Participants are tested. Violations of this section or refusal to be tested shall subject the Official to disciplinary action as provided by these rules, including the immediate suspension of the Official's license pending a hearing, and immediate expulsion from the site of the Event. The Commissioner or designee shall use drug or alcohol testing procedures in accordance with the normal and customary practices of athletic regulatory bodies.

### **Section 12-3.10 Events**

1. Beginning one (1) minute before the first round begins, only the Referee, Participants, and the chief Second may be in the ring. The Referee shall clear the ring of all other individuals.
2. Once an Event has begun, only Referees, Participants, Second, judges, physicians, and the Announcer and Announcer's assistants, inspectors, or the Commissioner or designee shall be allowed in the ring.
3. The Referee and/or Commissioner or designee may order that the ring and technical area be cleared at any time, before, during, or after an Event, of any individual not authorized to be present in those areas.
4. The Referee may stop an Event at any time if individuals refuse to clear the ring and technical area, dispute a decision by an Official, or seek to encourage spectators to object to a decision either verbally, physically, or by engaging in disruptive conduct. If the individual involved in disruptive conduct or encouraging disruptive conduct is the Second of a Participant, the Referee may order pointed deducted from that Participant's score or disqualify the Participant. If the conduct occurred after the decision was announced, the Commissioner or designee may change the decision, declare no Event, or take disciplinary action pursuant to the rules of this Part, including the immediate suspension of the Participant's or Official's license pending a hearing, and immediate expulsion from the Event. In addition to the aforementioned, the Commissioner may issue fines in accordance with these Regulations and/or the Act.

### **Section 12-3.11 Technical Knockouts and Knockouts**

1. A Participant who lost an Event by technical knockout (TKO) shall have their license suspended for a minimum of thirty (30) calendar days during which time the Participant is prohibited from participating in an Event.
2. A Participant who lost an Event by knockout (KO) shall have their license suspended for a minimum of forty-five (45) calendar days during which time the Participant is prohibited from participating in an Event.
3. The physician shall administer post Event evaluations and recommend testing as deemed necessary.
4. A professional boxing Participant who has lost five (5) consecutive Events by knockout or technical knockout shall satisfactorily complete a computed axial tomography (CAT) scan and must satisfactorily complete a neurological evaluation performed by a board certified medical doctor (MD) or doctor of osteopathy (DO) specialized in the medical field of neurology before a license is granted or a Event is approved by the Commissioner or designee.

### **Section 12-3.12 Drug Testing**

1. At the request of the Commissioner or designee or the ringside physician, a Participant or assigned Official shall submit to a test of body fluids to determine the presence of Drugs, or a test measuring the presence of alcohol, or a test to determine the presence of anabolic steroids.
2. The Commissioner shall retain and assign a third-party independent laboratory for the purpose of collecting and test samples of Participants and Officials for the presence of Drugs, alcohol or anabolic steroids at the direction of the Commissioner or designee. The Commissioner or designee shall ensure that a duly authorized representative from the aforementioned laboratory is present at all events in order to perform the aforementioned testing. The authorized person from the laboratory shall be the sole custodian of any samples collected and any reports related thereto.
3. Should any Participant or Official test positive for the presence of Drugs, alcohol or anabolic steroids, the Participant or Official shall have their license suspended by the Commissioner or designee pending the scheduling of a hearing. Any initial test sample that indicates a positive showing of Drugs, alcohol, or anabolic steroids, will be automatically be sent to the Commissioner's independent laboratory for testing. While under a suspension the Participant or Official shall be prohibited from participating in Events.
4. Any secondary laboratory test that supports the initial finding of the presence of a Drug or alcohol, anabolic steroids shall be grounds for a the suspension of the Participant or Official's license for a term not to exceed one (1) year and/or a fine in accordance with the Act. The Commissioner or designee shall ensure that the Participant or Official is notified as soon as practicably possible the results reported to the Chickasaw Nation by the independent laboratory and any disciplinary action taken by the Commissioner or designee. The Participant or Official may appeal the final decision, determination order within thirty (30) days of receiving the same in accordance with these Regulations.
5. If the secondary testing results support a finding that the initial sample did not contain the presence of Drugs, alcohol, or anabolic steroids, then the Commissioner shall rescind the suspension and report to the ABC and the Participant of the same.
6. At the completion of a suspension ordered by the Commissioner or designee in accordance with the provisions of this section, based on a finding of the presence of Drugs, alcohol or anabolic steroids, a Participant or Official may be required submit to a test of body fluids at the discretion of the Commissioner or designee. The results of the test shall be negative for all Drugs, alcohol or anabolic steroids, tested before a Participant is allowed to compete again or an Official is assigned to officiate again.
7. The refusal of a Participant or Official to submit to a drug test shall be grounds for the Participant or Official to be suspended pending a hearing before the Commissioner.

### **Section 12-3.13 Female Participants**

1. Female Participants shall not engage in Boxing or kickboxing with a male Participant.
2. In addition to requirements for male Participants, female Participants shall:
  - A. Have hair secured, with soft and non-abrasive material, in a manner that does not interfere with vision or safety of either Participant; and
  - B. Use no facial cosmetics.
3. A female Participant must, before each professional Boxing or kickboxing Event, submit to a pregnancy test. The Commissioner shall retain and assign a third-party independent laboratory to collect and test female Participants. The Commissioner or designee shall ensure that a duly authorized representative from the aforementioned laboratory is present at all events in order to perform the aforementioned testing. The authorized person from the

laboratory shall be the sole custodian of any samples collected and any reports related thereto.

4. Only female Participants with negative test results shall be allowed to compete in an Event sanctioned by the Chickasaw Nation.
5. The Promote of an Event between female Participants shall provide adequate, separate dressing rooms.
6. Rounds shall be of two (2) minutes duration with a one (1) minute rest period between rounds. All Events shall be scheduled for no more than ten (10) rounds.
7. Female Participants up to 154 pounds shall use at least eight (8) ounce gloves and female Participants over 154 pounds shall use at least ten (10) ounce gloves.

### **Section 12-3.14 Championship and Non-Championship Events**

1. Non-championship Event(s) shall not be less than four (4) scheduled rounds and shall not exceed ten (10) scheduled rounds. The number of rounds allowed in a non-championship Event shall be determined by each Participant's number of Event. Each round in a non-championship Event shall be three (3) minutes duration, and a one (1) minute rest period between each round.
2. Each championship Event will be scheduled for no less than twelve (12) rounds, of three (3) minute duration, and one (1) minute rest period between each round.
3. For the purposes of kickboxing, Participants shall execute kicks, which are attempts to land hard on a target area of the opponent's body with the intent to do damage.
4. Non-championship kickboxing Events shall not be less than three (3) scheduled rounds and shall not exceed ten (10) scheduled rounds.
5. Championship kickboxing Events shall not exceed twelve (12) rounds.
6. All of the following shall apply to championship and non-championship Events:
  - A. The Referee is the sole arbiter of an Event and is the only individual authorized to stop an Event.
  - B. All Participants are required to wear a mouthpiece during the Event. The round cannot begin without the mouthpiece. If the mouthpiece is dislodged during the Event, the Referee will call time and replace the mouthpiece at the first opportune moment, without interfering with the immediate action. Points may be deducted by the Referee if the Referee makes a determination that the mouthpiece is being purposely ejected from the Participant's mouth.
  - C. All Events shall be scored by three (3) judges.
  - D. Mandatory Eight (8) Count after knockdowns shall be standard procedure in all Events.
  - E. A Participant shall receive a twenty (20) second count if he is knocked out of the ring and onto the floor. The Participant is to be unassisted by his Seconds.
  - F. If a Participant sustains an injury from a fair blow and the injury is severe enough to terminate the Event, the injured Participant will lose by technical knockout (TKO).
  - G. Injuries sustained by accidental fouls:
    - i. If an accidental foul causes an injury severe enough for the Referee to stop the Event immediately, the Event will result in a No Decision if stopped before four (4) completed rounds.
    - ii. If an accidental foul causes an injury severe enough for the Referee to stop the Event immediately, after four (4) completed rounds, the Event will result in a technical decision awarded to the Participant who is ahead on the score cards at the time the Event stopped.

- H. A Participant who is hit with an accidental low blow must continue after a reasonable amount of time, but no more than five (5) minutes, or the Participant shall lose the Event.
- I. Injuries sustained by intentional fouls:
  - i. If an intentional foul causes an injury, and the injury is severe enough to terminate the Event immediately, the Participant causing the injury shall lose by disqualification.
  - ii. If an intentional foul causes an injury and the Event is allowed to continue, the Referee will notify the Officials and deduct two (2) points from the Participant who caused the foul. Point deductions for intentional fouls shall be mandatory.
  - iii. If an intentional foul causes an injury and the injury results in the Event being stopped in a later round, the injured Participant shall win by a technical decision if the Participant is ahead on the score cards or the Event shall result in a technical draw if the injured Participant is behind or even on the score cards.
- J. If a Participant is injured while attempting to intentionally foul an opponent, the Referee shall not take any action in the offending Participant's favor, and this injury will be the same as one produced by a fairblow.
- K. If the Referee makes a determination that a Participant's conduct is unsportsmanlike, the Referee may deduct one (1) or more point(s) or stop the Event and disqualify the offending Participant.
- L. Partial or incomplete rounds will be scored. However any point deduction(s) occurring during a partial round will be deducted from the final score of the competed rounds.

## **Part 4. Elimination Tournaments [RESERVED]**

## **Part 5. Professional Wrestling**

### **Section 12-5.01 General Provisions**

Unless otherwise indicated, all professional Wrestling Events shall comply with Part 5 and all other relevant sections of these Regulations.

### **Section 12-5.02 Ring and Safety Zone**

1. The ring shall be square with sides not less than fourteen (14) feet nor more than thirty two (32) feet inside the ropes.
2. The ring floor shall be padded with a closed cell-foam. The padding may be used with a top covering of clean canvas, or other covering, tightly stretched and laced to the ring platform.
3. The ring corners shall be protected inside the ring with a form of padded material.
4. Ring ropes shall at least be three (3) in number.
5. The ring post shall be constructed of metal.
6. There shall be a six (6) foot safety zone between the ringside and first row seats. The safety zone shall include, but not be limited to, ringside and any pathways to and from the dressing rooms and shall be bordered by a metal barrier or rope at least three (3) feet high on both sides of the safety zone.

### **Section 12-5.03 Yearly Physicals**

All Wrestling Participants shall provide a copy of a medical physical conducted in conformity with the provision of and covering all items listed in Section 12-1.08 as part of the license application. The physical shall have been performed within twelve (12) months of submission.

### **Section 12-5.04 Promoters**

A Wrestling Promoter shall provide a surety bond, cash, certificate of deposit, or other forms of security acceptable to the Commissioner in the amount of \$5,000. The Commissioner may increase the security as circumstances warrant.

## **Part 6. Mixed Martial Arts**

### **Section 12-6.01 General Provisions**

Unless otherwise indicated, Mixed Martial Arts Events and Participants shall comply with Part 6 and all other relevant sections of these Regulations.

### **Section 12-6.02 Mixed Martial Arts Events**

1. A licensed Promoter must submit a sanctioning permit fee.
2. The Commissioner or designee shall not allow a Mixed Martial Arts Event in which the Participants are not fairly matched.
3. Mixed Martial Arts Events may be held in a Boxing ring or in a fenced area in compliance with these Regulations.
4. A Boxing ring used for an Event of Mixed Martial Arts must meet the following requirements:
  - A. The ring must be no smaller than sixteen (16) feet square and no larger than thirty-two (32) feet square within the ropes.
  - B. The ring floor must extend at least twelve (12) inches beyond the ropes. The ring floor must be padded with ensolite or a similar closed-cell foam. Padding must extend beyond the ring ropes and over the edge of the platform, with a top covering of canvas, duck or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges must not be used.
  - C. The ring platform must not be more than five (5) feet above the floor of the building unless approved by the Commissioner and must have suitable steps for the use of the Participants.
  - D. Ring posts shall be made of metal, not more than three (3) inches in diameter. Ring posts must be at least eighteen (18) inches away from the ring ropes.
  - E. There must be five (5) ring ropes, not less than one (1) inch in diameter and wrapped in soft material. The lowest ring rope must be twelve (12) inches above the ring floor.
  - F. There must not be any obstruction or object on any part of the ring floor, including, without limitation, a triangular border.
5. A fenced area used in an Event of Mixed Martial Arts must meet the following requirements:
  - A. The fenced area must be circular, or have equal sides and must be no smaller than sixteen (16) feet wide and no larger than thirty-two (32) feet wide.
  - B. The floor of the fenced area must be padded with ensolite or similar closed-cell foam, with a top covering of canvas, duck or similar material tightly stretched and laced to the platform of the fenced area. Material that tends to gather in lumps or ridges must not be used.

- C. The platform of the fenced area must not be more than five (5) feet above the floor of the building and must have suitable steps for entrance.
  - D. Fence posts must be made of metal, not more than six (6) inches in diameter, extending from the floor of the building to between four (4) and seven (7) feet above the floor of the fenced area, and must be properly padded.
  - E. The fencing used to enclose the fenced area must be made of a material, such as but not limited to chain link fence coated with vinyl, that will prevent a Participant from falling out of the fenced area or breaking through the fenced area onto the floor of the building or onto the spectators.
  - F. Any metal portion of the fenced area must be covered and padded in a manner approved by the Commissioner and must not be abrasive to the Participants.
  - G. The fenced area must have at least one (1) entrance.
  - H. There must not be any obstruction on any part of the fence surrounding the area in which the Participants are to be competing.
6. Spectator seats shall not be closer than six (6) feet from the edge of the apron of the ring, unless otherwise determined and approved by the Commissioner. The ringside area shall be under the jurisdiction of the Commissioner or designee for the use of designated working inspectors, Officials, Participants, Seconds, judges, Referees, physicians, Announcer, media representatives, and Commissioner's representatives. Commissioner or designee is responsible for ensuring that the working area is controlled and free of nonessential individuals. The inspectors shall be provided seating next to the Announcer and in each Participant's corner.
  7. The ring or fenced area shall be inspected by the Commissioner or designee prior to the start of sanctioned Event to ensure that the ring meets the requirements of these Regulations.
  8. The Promoter must request in writing any variation from the requirements set forth in this section and the same must be approved in writing by the Commissioner or designee prior to the start of an Event.

### **Section 12-6.03 Rounds**

Unless otherwise approved by the Commissioner or designee:

1. A non-championship Event of Mixed Martial Arts shall consist of three (3) five (5) minute rounds.
2. A championship Event of Mixed Martial Arts shall consist of five (5) five minute rounds.

### **Section 12-6.04 Mixed Martial Arts Participants**

1. Participants must wear shorts.
2. Participants may not wear shoes or any padding on the feet during the Event.
3. Participants must wear gloves that weigh not less than four (4) ounces and not more than eight (8) ounces.
4. Gloves shall be supplied by the Promoter and approved by the Commissioner or designee. At no time will Participants be allowed to provide their own gloves.
5. All Mixed Martial Arts Participants shall be required to gauze and tape their hands prior to all Events. In all weight classes, the bandages on each Participant's hand shall be restricted to soft gauze cloth not more than fifteen (15) yards in length and two (2) inches in width, held in place by not more than ten (10) feet of surgeon's tape, one (1) inch in width, for each hand.
6. Surgeon's adhesive tape may be placed directly on each hand for protection near the wrist. The tape may cross the back of the hand twice however no tape shall be applied directly

over the knuckles. The bandages shall be evenly distributed across the hand. Bandages and tape shall be placed on the Participant's hands in the dressing room in the presence of the inspector and, if warranted, in the presence of the manager or chief Second of his or her opponent. Under no circumstances are gloves to be placed on the hands of a Participant without the approval of the inspector. The use of water or any other substance or material other than tape and gauze shall not be utilized, which includes but is not limited to pre-wraps.

7. Under the supervision of an inspector, Participants may tape their ankles or wear an ankle sleeve, but not both. If tape is used on the ankles it must be applied directly to the skin.
8. Absolutely no body grease, gels, balms, lotions, oils, or other substances may be applied to the hair, face or body. This includes the use of excessive amounts or water "dumped" on a Participant to make him/her slippery. However, Vaseline or petroleum jelly may be applied solely to the facial area at cage side or ring side in the presence of an inspector, Referee, or Commissioner or designee. Any Participant applying anything other than the aforementioned substance in an approved fashion at the appropriate time will be penalized a point or subject to disqualification.

#### **Section 12-6.05 Classes and Weight Categories**

1. Except with the approval of the Commissioner, the classes for Participants competing in Event or exhibitions of Mixed Martial Arts and the weights for each class are shown in the following schedule:
  - A. Flyweight.....up to 125 lbs.
  - B. Bantamweight.....over 125 to 135 lbs.
  - C. Featherweight.....over 135 to 145 lbs.
  - D. Lightweight.....over 145 to 155 lbs.
  - E. Welterweight.....over 155 to 170 lbs.
  - F. Middleweight.....over 170 to 185 lbs.
  - G. Light Heavyweight.....over 185 to 205 lbs.
  - H. Heavyweight.....over 205 lbs. to 265 lbs.
  - I. Super Heavyweight.....all over 265 lbs.
2. Participants shall not fight outside their weight classification without approval of the Commissioner and agreement in writing by both Participants to compete at the weight differential.

#### **Section 12-6.06 Weigh-In**

1. Within thirty-six (36) hours before an Event, or as otherwise determined by the Commissioner to benefit the safety and health of the Participants, the Commissioner or designee, or an inspector shall weigh in each Participant. The weigh-in shall occur in the presence of other Participants to the extent practicable.
2. Only those Participants who have been approved for the Event shall be permitted to weigh in.

#### **Section 12-6.07 Referees/Fouls/Stopping an Event**

1. The Commissioner or designee shall appoint all Referees and the decision of the Referee shall be final.
2. The following acts constitute fouls in an Event of Mixed Martial Arts:
  - A. Butting with the head.
  - B. Eye gouging of any kind.

- C. Biting.
  - D. Hair pulling.
  - E. Fish hooking.
  - F. Groin attacks of any kind.
  - G. Putting a finger into any orifice or into any cut or laceration on an opponent.
  - H. Small joint manipulation.
  - I. Striking to the spine or the back of the head.
  - J. Striking downward using the point of the elbow.
  - K. Throat strikes of any kind, including, without limitation, grabbing the trachea.
  - L. Clawing, pinching or twisting the flesh.
  - M. Grabbing the clavicle.
  - N. Kicking the head of a grounded opponent.
  - O. Kneeing the head of a grounded opponent.
  - P. Stomping a grounded opponent.
  - Q. Kicking to the kidney with the heel.
  - R. Spiking an opponent to the canvas on his head or neck.
  - S. Throwing an opponent out of the ring or fenced area.
  - T. Holding the shorts or gloves of an opponent.
  - U. Spitting at an opponent.
  - V. Engaging in any un-sportsmanlike conduct that causes an injury to an opponent.
  - W. Holding the ropes or the fence.
  - X. Using abusive language in the ring or fenced area.
  - Y. Attached an opponent on or during the break.
  - Z. Attacking an opponent who is under the care of the Referee.
  - AA. Attacking an opponent after the bell has sounded the end of the period of an Event.
  - BB. Flagrantly disregarding the instructions of the Referee.
  - CC. Timidity, including, without limitation, avoiding contact with an opponent, intentionally or consistently dropping the mouthpiece or faking an injury.
  - DD. Interference by the corner.
3. If a Participant fouls his opponent during an Event of Mixed Martial Arts, the Referee may penalize the offender by deducting points from the offender's score, whether or not the foul was intentional. The Referee may determine the number of points to be deducted in each instance:
- A. When the Referee determines that it is necessary to deduct a point or points because of a foul, the Referee shall warn the offender of the penalty to be assessed.
  - B. The Referee shall, as soon as is practical after the foul, notify the judges and both Participants of the number of points, if any, to be deducted from the score of the offender.
  - C. Any point or points to be deducted for any foul must be deducted in the round in which the foul occurred and may not be deducted from the score of any subsequent round.
  - D. If the Referee does not call the foul, judges shall not make that assessment on their own and cannot factor such into their scoring calculations.
  - E. A Participant may not be declared the winner of an Event of Mixed Martial Arts on the basis of his claim that his opponent fouled him by hitting him in the groin. If a Participant falls to the floor of the ring or fenced area or otherwise indicates that he is unwilling to continue because of a claim of being hit in the groin, the Event must

be declared to be a technical knockout in favor of the Participant who is willing to continue.

4. If an Event of Mixed Martial Arts is stopped because of an accidental foul, the Referee shall determine whether the Participant who has been fouled can continue or not. If the Participant's chance of winning has not been seriously jeopardized as a result of the foul and if the foul did not involve a concussive impact to the head of the Participant who has been fouled, the Referee may order the Event continued after recuperative interval of not more than five (5) minutes. Immediately after separating the Participants, the Referee shall inform the Commissioner or designee of his determination that the foul was accidental.
5. If the Referee determines that an Event of Mixed Martial Arts may not continue because of an injury suffered as the result of an accidental foul, the Event must be declared a no contest if the foul occurs during:
  - A. The first two (2) rounds of a non-championship Event; or
  - B. The first three (3) rounds of a championship Event.
6. If an accidental foul renders a Participant unable to continue the Event after:
  - A. The completed Second round of a non-championship Event; or
  - B. The completed third round of a championship Event, the outcome must be determined by scoring the completed rounds and the round during which the Referee stops the Event.
7. If an injury inflicted by an accidental foul later becomes aggravated by fair blows and the Referee orders the Event stopped because of the injury, the outcome must be determined by scoring the completed rounds and the round during which the Referee stops the Event.
8. The Referee shall stop an Event of unarmed combat at any stage if the Referee determines that both unarmed combatants are in such a condition that to continue might subject the unarmed combatants to serious injury. If any Event is stopped pursuant to this section, the decision shall be deemed a "TECHNICAL DRAW".
9. Before allowing a fight to continue, the Referee should consult with the Ringside Physician in all cases involving concussive head fouls. The Referee in conjunction with the Ringside Physician will determine the length of time needed to evaluate the affected athlete and his/her suitability to continue.

#### **Section 12-6.08 Scoring & Judges**

1. The Commissioner or designee shall appoint the judges and the judges' decision shall be final.
2. If a judge becomes incapacitated and is unable to complete the scoring of a Event, a timeout shall be called and an alternate licensed judge shall immediately be assigned to score the Event from that point. If the incapacity of a judge is not noticed during a round, the Referee shall score that round and the substitute judge shall score all subsequent rounds.
3. Three (3) judges shall together score each Event and each round.
4. Judges shall deduct points for knockdowns only when they are called as such by the Referee. Judges may only deduct points for fouls when they are instructed to do so by the Referee.
5. Judges shall score each round of the Event on an individual scorecard. Each scorecard must be signed by the scoring judge. The Commissioner or designee shall furnish the judges with official scorecard and ensure that the score cards are collected before the start of each subsequent round.
6. The Commissioner may require an applicant for a judge's license to take and pass a written test, to be conducted by the Commissioner or designee, covering the Act, this Title and the

rules of the sport as published by national or international sanctioning bodies for the sport of boxing and/or kickboxing, as designated by the Commissioner.

7. Each judge of an Event of Mixed Martial Arts that is being judged shall score the Event and determine the winner through the use of the following system:
  - A. The ten (10) point must system.
  - B. The better Participant of a round received ten (10) points and his opponent proportionately less. For example: A round may be scored as 10-10 when both Participants appear to be fighting evenly and neither Participant shows dominance in a round; or a round may be scored 10-9 when a Participant wins by a close margin, landing the greater number of effective legal strikes, grappling and other maneuvers; or a round may be scored 10-8 when a Participant overwhelmingly dominates by striking or grappling in a round; or a round may be score 10-7 when a Participant totally dominates by striking or grappling in around.
  - C. If the round is even, each receives ten (10)points.
  - D. No fraction of points may be given.
  - E. Points for each round must be awarded immediately after the end of the period of an Event in the round.
8. After the end of the Event, the Announcer shall pick up the scores of the judges from the Commissioner or designee.
9. The majority opinion of the judges is conclusive and, if there is not majority, the decision is a draw.
10. When the Commissioner or designee has checked the scores, the Commissioner or designee shall inform the Announcer of the decision. The Announcer shall inform the audience of the decision over the speaker system.

#### **Section 12-6.09 Results of Events**

An Event of Mixed Martial Arts may end under the following results:

1. Submission by:
  - A. Physical tap out.
  - B. Verbal tap out.
2. Knockout (KO) or technical knockout (TKO) by the Referee stopping the Event.
3. Decision via the scorecards, including:
  - A. Unanimous decision.
  - B. Split decision.
  - C. Majority decision.
4. Draw, including:
  - A. Unanimous draw.
  - B. Majority draw.
5. Technical decision.
6. Technical draw.
7. Disqualification.
8. Forfeit.
9. No contest.

#### **Section 12-6.10 Technical Knockouts and Knockouts**

1. A Participant who lost an Event by technical knockout (TKO) shall have their license suspended for a minimum of thirty (30) calendar days during which time the Participant is prohibited from participating in an Event.

2. A Participant who lost an Event by knockout (KO) shall have their license suspended for a minimum of forty-five (45) calendar days during which time the Participant is prohibited from participating in an Event.
3. The physician shall administer post Event evaluations and recommend testing if deemed necessary.

### **Part 7: Fines/Penalties**

Title 11 of the Gaming Commissioner's Regulations is hereby incorporated herein by reference. In addition, the Commissioner may impose a fine(s) upon any person under the jurisdiction of the Commissioner in accordance with Section 3-501.15 of the Chickasaw Nation Professional Boxing Licensing Act for the violation of any section or part of these Regulations. The Commissioner may make application to the Chickasaw Nation District Court requesting the issuance of a judgement to collect any administrative fine unpaid for more than thirty (30) days after assessment and any appeal ended.

### **Part 8: Administrative Hearings**

Any disputes that may arise under this Title shall be resolved by an administrative hearing before the Commissioner or designee. Requests for an administrative hearing must be filed with the Commissioner no later than thirty (30) days from the date of the incident arose. Any requests for an administrative hearing filed thereafter may be forever barred.

### **Part 9: Appeals**

In accordance with Section 3-501.15 (D) of the Act, all appealable decisions of the Commissioner shall be filed with the Chickasaw Nation District Court within thirty (30) days of decision or determination. Any District Court review of the hearings described in this Title shall be limited to review of the official record of the hearing as heard by the Hearing Officer, and no additional discovery shall be allowed in an appeal to the District Court.



# *The Chickasaw Nation*

## GAMING COMMISSIONER'S REGULATIONS

### ADMINISTRATIVE ORDER TO AMEND THE GAMING COMMISSIONER'S REGULATIONS AS ADOPTED ON JANUARY 1, 2009

It is hereby Ordered by the Gaming Commissioner that the following amendment shall be made to Title 8, Section 8-1.08 of the Gaming Commissioner's Regulations governing prize claims. The following language to be added to the aforementioned section is as follows:

- VI. All Administrative Hearings and depositions described within this Title shall be conducted in accordance with Title 5 of these Regulations. Prize Claimant appearance for hearings and depositions shall be at a time and location of the Gaming Commissioner's or designee's choosing.
- A. Continuances shall be allowed if requested by the Prize Claimant only if the Resolution period is extended;
  - B. Prize Claimant's failure to appear shall be deemed a voluntary withdrawal and dismissal of the Prize Claim five (5) days after failure to appear. However, a Prize Claimant may have a continuance granted from such failure to appear should:
    - 1) The Prize Claimant files a written request to excuse the failure to appear, and such request is granted by the Hearing Officer; or
    - 2) The Prize Claimant files a request for an extension of the resolution period, and such request is granted by the Hearing Officer; or
    - 3) The Prize Claimant pays the costs associated with each party and Gaming Commissioner's expenses associated with hearing or deposition appearance and preparation;
  - C. The Hearing Officer shall grant such requests liberally unless the request overwhelming lacks merit. All costs must be paid within ten (10) days of assessment to the Gaming Commissioner.

The aforementioned changes to Title 8, Section 8-1.08 of the Gaming Commissioner's Regulations are effective immediately and shall apply to all pending and future prize claims that may be filed with the Office of the Gaming Commissioner. It is further ordered that all parties to a pending prize claim be notified of this change immediately upon the signing of this Order by the Gaming Commissioner.

**IT IS SO ORDERED** on June 25<sup>th</sup> , 20 09 .

**MATTHEW L. MORGAN, GAMING COMMISSIONER**



# *The Chickasaw Nation*

## GAMING COMMISSIONER'S REGULATIONS

### **AMENDMENT "A" TO TITLE 12:** **RULES FOR BOXING AND OTHER ACTIVITIES**

It is hereby Ordered by the Gaming Commissioner that the following amendment shall be made to Title 12 of the Gaming Commissioner's Regulations governing boxing and other activities. The following language shall be added to Part 1 of Title 12 as follows:

"Section 12-1.13 Participant Responsibilities and Requirements"

- I. (sic) 6. All Participants shall wear groin protection and mouth pieces during all Events of which they are a competitor.
- II. (sic) 6. A Participant shall not compete in a scheduled Event if the Participant is under suspension from another jurisdiction at the time of the scheduled Event of which they are listed as a competitor.
- III. (sic) 6. Participants shall not wear any type of body piercing, hard contact lenses, dentures or removable dental work during the Event of which they are listed as a competitor. A Participant with dental braces may compete if the Participant wears a fitted mouthpiece covering the entire brace.

The aforementioned amendments to Title 12 of the Gaming Commissioner's Regulations are effective immediately and shall apply to all Participants. All Participants are to be notified of this Amendment upon making an application for a Participant License.

**IT IS SO ORDERED** on November 16<sup>th</sup> , 2010 .

**MATTHEW L. MORGAN, GAMING COMMISSIONER**



# *The Chickasaw Nation*

## GAMING COMMISSIONER'S REGULATIONS

### **AMENDMENT "B" TO TITLE 12:** **RULES FOR BOXING AND OTHER ACTIVITIES**

It is hereby Ordered by the Gaming Commissioner that the following amendment shall be made to Title 12 of the Gaming Commissioner's Regulations governing boxing and other activities. The following language shall be added to Title 12, Section 12-3.07 as follows:

#### ***V. [sic] 6. THERAPEUTIC USE EXEMPTION ("TUE") PROGRAM***

##### **A. STANDARD**

Participating combatants who use or possess a Prohibited Substance for which they have a valid, medically appropriate prescription, issued by a duly licensed physician in the United States or Canada, may qualify for a Therapeutic Use Exemption (TUE) from the Chickasaw Nation Office of the Gaming Commissioner (herein referred to as CNOGC) prohibition against the use of such substances.

##### **B. PROCEDURE**

To obtain a TUE, a participant combatant must complete a TUE form. This form may be requested by contacting the CNOGC. The completed TUE form must be faxed directly to the CNOGC office from your physician's office. If the TUE form is not faxed directly from your physician's office, it will not be accepted. The CNOGC must receive the TUE request at least seven (7) days prior to a scheduled event. The TUE will then be evaluated and reviewed by the CNOGC with the assistance of a CNOGC designated physician.

The CNOGC may request that additional medical documentation be provided to support a TUE application. All medical information provided to the CNOGC will be kept strictly confidential and will not be disclosed to anyone other than the CNOGC unless otherwise approved by the CNOGC. The CNOGC will notify the participating combatant whether the application for a TUE has been approved. The maximum effective period of a TUE is one year. A TUE is not automatically renewed. A participating combatant must apply for a renewal of the TUE if he or she is still taking the prescribed medication on an annual basis. The decision of the CNOGC is final.

##### **C. PROHIBITED DRUGS OF ABUSE**

#### **PROHIBITED SUBSTANCES UNDER THE TUE PROGRAM**

Participating combatants are strictly prohibited from using, possessing, distributing or selling, Prohibited Substances. Prohibited Substances under the Program include Drugs of Abuse and Performance Enhancing Substances as described below:

##### **A. Drugs of Abuse**

Any and all drugs or substances included in Schedules I and II of the Code of Federal Regulation's Schedule of Controlled Substances, as amended from time to time, shall be considered a Drug of Abuse covered by the Program (excluding those Schedule I

and II substances included as Performance Enhancing Substances below.) Moreover, any drug or substance that is not included in either Schedule I or II shall be considered a Drug of Abuse if it:

- i. Is similar in nature in Schedule I or II;
- ii. Cannot be lawfully taken without a valid prescription and has the potential for abuse;
- iii. Cannot be lawfully obtained or used in the United States.

The following is a non-exclusive list of Drugs of Abuse covered by the Program:

1. **Cannabinoids (e.g. THC and Marijuana)**
2. **Cocaine**
3. **LSD**
4. **Opiates (e.g. Heroin, Codeine, and Morphine)**
5. **MDMA (Ecstasy)**
6. **GHB**
7. **Phencyclidine (PCP)**

#### **B. Performance Enhancing Substances**

The following substances shall be considered Performance Enhancing Substances. Some Performance Enhancing Substances are available for over-the-counter purchase or with a prescription in the United States or other countries. Unless a participating combatant successfully obtains a Therapeutic Use Exemption in accordance with the provisions of the TUE Program, a participating combatant will not be excused from a positive test because the Performance Enhancing Substance was obtained over-the-counter or through a valid prescription.

##### **1. Anabolic Androgenic Steroids (“AAS”)**

Any and all AAS included in Schedule III of the Code of Federal Regulations’ Schedules of Controlled Substances (“Schedule III”) shall be considered a Performance Enhancing Substance covered by the Program. AAS that are not included in Schedule III but that may not be lawfully obtained or used in the United States (including “designer steroids”) shall also be considered Performance Enhancing Substances covered by the Program. The following is a non-exhaustive list of AAS that are covered by the “TUE” Program:

**Androstadienedione, Androstenediol, Androstenedione, Androstenediol, Androstenedione, Androsterone, Bolandiol, Boldenone, Boldione, Calusterone, Clostebol, Danazol, Dehydrochlormethyltestosterone (Turinabol), Dehydroepiandrosterone (DHEA), Desoxymethyltestosterone (DMT, Madol), Dihydrotestosterone, Drostanolone, Epiandrosterone, Epi-dihydrotestosterone, Epitestosterone, Ethylestrenol, Fluoxymesterone, Formebolone, Furazabol, Gestrinone, 4~Hydroxytestosterone, Mestanolone, Mesterolone, Methandienone, Methandriol, Methasterone (Superdrol), Methenolone, Methyldienolone, Methylnortestosterone, Methyltestosterone, Methyltrienolone (Metribolone), Mibolerone, Nandrolone, Norandrostenediol, Norandrostenedione, Norandrosterone, Norbolethone (Genabol), Norclostebol, Norethandrolone, Noretiocholanolone, Oxabolone, Oxandrolone, Oxymesterone,**

**Oxymetholone, Prasterone (DHEA), Prostanazolol, Quinbolone, Stanozolol, Stenbolone, Testosterone, Tetrahydrogestrinone, Trebolone,** and any other substances with a similar chemical structure or biologic effect(s).

1. **Stimulants**

All Stimulants (including both their D and L isomers where relevant) are prohibited. The following is a non-exhaustive list of Stimulants that are covered by the “TUE” Program:

**Andrafinil, Amfepramone, Amiphenazole, Amphetamine, Amphetaminil, Armodafinil, Benfluorex, Benzphetamine, Benzylpiperazine, Bromantan, Carphedon, Cathine (Norpseudoephedrine), Chlorphentermine, Clobenzorex, Clortermine, Cropropamide, Crotetamide, Ephedrine, Etamivan, Etilamphetamine, Etilefrine, Famprofazone, Fenbutrazate, Fencamine, Fencamfamin, Fenethylline, Fenfluramine, Fenproporex, Furfenorex, Heptamino, Isometheptene, Levmetamphetamine, Meclofenoxate, Mefenorex, Mephentermine, Mesocarb, Methamphetamine (Methylamphetamine), Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Methylephedrine, Methylhexaneamine (Dimethylamphetamine), Methylphenidate (Ritalin), Modafinil, Nikethamide, Norfenefrine, Norfenfluramine, Octopamine, Oxilofrine, Parahydroxyamphetamine, Pemoline, Pentetrazol, Phendimetrazine, Phenmetrazine, Phenpromethamine, Phentermine, Prenylamine, Prolintane, Propylhexedrine, Selegiline, Sibutramine, Strychnine, Tuaminoheptane,** and any other substances with a similar chemical structure or biologic effect(s).

2. **Miscellaneous Anabolic Agents**

Including, but not limited to, **Clenbuterol, Selective Androgen Receptor Modulators (SARMs), Tibolone, Zeranol, and Zilpaterol.**

3. **Hormones and Related Substances**

The following substances and their releasing factors are prohibited:

1. **Human Growth Hormone (HGH);**
2. **Insulin-Like Growth Factors (e.g., IGF~1);**
3. **Mechano Growth Factors (MGFs);**
4. **Gonadotrophins, including but not limited to, Human Chorionic Gonadotrophin (hCG), and Luteinizing Hormone (LH);**
5. **Erythropoiesis-Stimulating Agents (e.g., Erythropoietin (EPO), Darbepoetin (dEPO), Hematide and Methoxy polyethylene glycolepoetin beta (CERA);**
6. **Corticotrophins;**
7. Other substances with similar chemical structure or similar biological effect(s).