

BAY MILLS INDIAN COMMUNITY

AN ORDINANCE REGULATING THE CONDUCT OF CLASS I RAFFLES

Section 1. Purpose.

The purpose of this ordinance is to regulate the conduct of raffles on the lands of the Bay Mills Indian Community to ensure that such games benefit the general health, safety and welfare of the members of the Bay Mills Indian Community, and that they are in compliance with tribal law and regulation and applicable federal law.

Section 2. Definitions.

a. **Class I Raffle** means a raffle conducted for the sole purpose of raising revenue for support of programs or activities operated or sponsored by a Tribal Organization.

b. **Raffle** means a game in which a person pays money or other consideration to another and becomes entitled to receive a prize, or no prize, based upon an element of chance, including but not limited to 50/50 ticket draws, random ticket draws for prizes, and other similar games.

c. **Tribal Organization** means an agency, department, program of the Bay Mills Indian Community, or a committee of members of the Bay Mills Indian Community which is established by formal action of the Executive Council or the General Tribal Council.

Section 3. Permit Required; Penalty.

No raffle ticket may be sold, and no raffle may be conducted on the lands of the Bay Mills Indian Community, unless the activity is authorized by a permit issued by the Executive Council of the Bay Mills Indian Community. Each raffle occasion must have a unique, numbered permit. Any person who shall sell raffle tickets, or conduct a raffle, without a permit shall be subject to the penalties prescribed in sec. 627 of the Tribal Code of the Bay Mills Indian Community and in addition, may be sentenced to imprisonment of not more than 90 days.

Section 4. Application for Permit.

Any Tribal Organization seeking to conduct a raffle must make written application for a permit not less than two (2) weeks prior to the first proposed sale of any ticket.

The application form shall be available at the Tribal Office Building, and all completed applications shall be submitted to the Recording Secretary of the Executive Council.

Section 5. Application Contents.

Each application shall contain, at minimum, the following information:

- a. The name of the Tribal Organization filing the application;
- b. The date, time, and location at which the Tribal Organization wishes to conduct the raffle;
- c. The name, address and telephone number of the individual who is selected by the Tribal Organization to have primary responsibility for the raffle;
- d. The purpose for which the Tribal Organization seeks revenue from the raffle;
- e. A listing of all raffle permits issued, if any, to the Tribal Organization within the previous 12 months; and
- f. Any other information which the Executive Council may determine from time to time to be relevant to its determination as to whether or not to issue a permit to conduct a Class I Raffle.

Section 6. Prize Value Limitation.

No Class I Raffle may award a prize in excess of \$500 in value, nor shall the aggregate value of prizes awarded during the raffle event exceed \$1,000.

Section 7. Raffle Tickets; Contents.

- a. ***Ticket holder copy.*** Each Class I Raffle ticket sold to an individual shall contain the following information:
 1. The permit number issued by the Executive Council;
 2. The name of the Tribal Organization conducting the raffle;
 3. The words "Raffle" or "50/50 Draw", or both;
 4. The date, time and location of the drawing;

5. The price of the ticket;
6. A unique ticket identification number;
7. Notification as to a requirement for the presence of the ticket holder at the drawing in order to win; and
8. The top three (3) prizes to be awarded at the drawing.

b. **Tribal Organization copy.** The portion of the raffle ticket kept by the Tribal Organization shall contain either of the following:

1. The name, address and telephone number of the purchaser of the ticket; or
2. A unique ticket identification number, corresponding to the number specified in subsec. (a)(6), above.

Section 8. Class I Raffle Advertising.

Any advertisement of a Class I Raffle shall contain all the information specified in sec. 7(a)(1)--(5) and (7)--(8), above.

Section 9. Restrictions on Ticket Sales.

a. **Sale locations.** All sales of Class I Raffle tickets:

1. Must occur on the lands of the Bay Mills Indian Community; and
2. Shall not be made at locations at which gaming is conducted or in which gaming administrative activities occur.

b. **Raffle ticket sellers.** Any person authorized by the Tribal Organization representative (as specified in sec. 5(c), above) may sell Class I Raffle tickets, provided that such individual is at least 18 years of age.

Section 10. Conduct of Raffle Drawings.

The following standards shall be followed by a Tribal Organization at each Class I Raffle drawing:

- a. The winner or winners of each raffle shall be selected on a random basis.

- b. All purchasers of a raffle ticket shall be afforded an equal opportunity to win.
- c. All raffle drawings shall occur on the date and time, and at the location listed on the tickets.
- d. The prize for each drawing shall be announced immediately before the drawing.
- e. An individual who has more than one ticket in the raffle shall have an opportunity to win more than one prize.
- f. Any ticket or tickets sold, but not turned into the Tribal Organization by the seller in sufficient time to be included in the raffle ticket pool, shall result in a full refund to the purchaser of the purchase price by the Tribal Organization.
- g. All prizes included in the permit shall be awarded by the Tribal Organization.
- h. The winner of a prize shall be located by the Tribal Organization, utilizing diligent effort.
- i. In the event that the winner fails to collect a prize within 120 days of the date of the raffle drawing, the prize may be retained by the Tribal Organization.

Section 11. Revenue from Class I Raffle; Restrictions.

- a. **Proceeds.** The entire proceeds obtained by a Tribal Organization from a raffle shall be exclusively utilized to support programs or activities operated or sponsored by the Organization.
- b. **Authorized expenses.** Only the following expenses may be incurred by a Tribal Organization, for which reimbursement from the proceeds may be made:
 - 1. Cash prizes or the purchase of merchandise for use as prizes;
 - 2. Rental of location at which the raffle drawing is conducted;
 - 3. Any costs of producing raffle tickets or advertising the raffle.
- c. **Payment of ticket sellers prohibited.** No person shall be paid or otherwise compensated for selling Class I Raffle tickets.

12. Records of Raffle Occasions.

a. **Content of required records.** The individual named by the Tribal Organization in its permit application shall be responsible for maintaining the following record for each raffle:

1. Total number of tickets available for sale;
2. Total number of tickets sold;
3. Total number of unsold tickets returned;
4. Total gross proceeds from ticket sales;
5. Total number of refunded tickets;
6. Total amount of ticket proceeds refunded, if any;
7. Total expenses incurred by the Tribal Organization in the conduct of the raffle;
8. Total net proceeds; and
9. Name(s) and address(es) of all winners.

b. **Filing of report with Executive Council.** The responsible individual for the Tribal Organization shall file a report with the Recording Secretary of the Executive Council containing the information required in subsec. a., above, within two (2) weeks of the date of the raffle drawing. A report form may be specified by the Executive Council to fulfill this requirement.

13. Violation of the Permit Requirements.

Any Tribal Organization which fails to comply with the requirements of this ordinance shall be ineligible for the issuance of a Class I Raffle permit until one of the following occurs:

- a. The Tribal Organization corrects all violations;
- b. The Tribal Organization demonstrates to the satisfaction of the Executive Council that the violations did not impugn the integrity of the raffle drawing; or
- c. The individual or individuals responsible for the violation no longer have any connection with the Tribal Organization.

BAY MILLS INDIAN COMMUNITY

12140 West Lakeshore Drive

Brimley, Michigan 49715

RAFFLE PERMIT

PURPOSE for which raffle proceeds will be used: _____

ORGANIZATION NAME: _____ Phone: _____
Organization Address: _____
City: _____ State: _____ Zip Code: _____
Relationship to Tribe: _____

INDIVIDUAL LICENSEE NAME: _____
Address: _____
City: _____ State: _____ Phone: _____
Date of Birth: _____ Social Security No. _____
Raffle License No. _____
Position with organization: _____

RAFFLE TICKETS: Must contain the following information.

Name of organization: _____
Drawing date: _____
Drawing time: _____
Drawing location: _____
Price of tickets: _____
First three prizes: #1 _____
(See Rule 1.3) #2 _____
#3 _____

The words "RAFFLE" and/or "50/50 DRAW".
The raffle license number.
A unique ticket identification number (the tickets numbered in sequence).
Raffle ticket must state on it "Must be present to win" or "Need not be present to win".
Raffle ticket stub (the portion kept by the organization conducting the raffle) shall
contain the name, address, and telephone number of the purchaser and the
corresponding unique ticket identification number.

CERTIFICATION: I hereby certify that the above information is true to the best of my knowledge.

Individual Licensee Signature: _____ Date: _____

Executive Council Use Only

LICENSE NO. 01-001 Approved Denied _____ Date: _____

Authorized Signature: _____

RAFFLE RECORD FORM

The Individual Licensee must complete and sign this Raffle Record for each Raffle. This form must be returned to the Executive Council within two weeks of the date of the Raffle.

Tribal Organization _____ Raffle License Number _____

Individual Licensee _____ Telephone Number _____

Total Number of Tickets Available for Sale

Total Number of Tickets Sold

Total Number of Unsold Tickets Returned

Price of Each Ticket

Total Gross Proceeds from Ticket Sales

Total Number of Refunded Tickets

Total Amount of Ticket Proceeds Refunded

Total Expenses for the Raffle

Total Net Proceeds from the Raffle

I hereby certify that the above information is true and correct.

Individual Licensee _____ Date _____

List Raffle/50-50 Winners:

List any additional Raffle/50-50 winners on back.