

BAY MILLS INDIAN COMMUNITY
GAMING COMMISSION RULES

RULE 5: LICENSES FOR CLASS III GAMING VENDORS

(a) **License Required.** Any person that supplies any equipment, devices, supplies or services unique to the Tribe's Class III gaming operation, and any person determined by the Commission to be engaged in other gaming-related activities, must first obtain a vendor's license. Provided, however, that the vendor's license requirement shall not apply to a federally recognized Indian Tribe who engages in gaming activities pursuant to a Class III Compact with the State of Michigan.

(b) **License Application Fee.** The Gaming Commission may issue a vendor's license to such persons, firms or corporations which apply for such upon the payment of a non-refundable application fee. The amount of such fee shall be the sum of \$750 for the business entity, and an additional \$250 for each business entity principal, partner and any other person who holds ten per cent (10%) or more ownership interest in the entity. Renewal fees are governed by Section (h).

(c) **Contents of Application.** Any applicant for a vendor's license shall furnish to the Commission:

(1) a list of all equipment, devices, supplies and services offered for sale or lease in connection with Class III gaming;

(2) a completed description of the person's business, contained in the "Vendor Disclosure Form" obtained from the Commission; and

(3) written certification, in compliance with Gaming Commission Rule 3, that the supplies, devices and equipment conform to Commission standards.

(d) **Compliance with Background Investigation Requirements.** No vendor's license shall be issued prior to the completion of the background investigation required under the provisions of Game Rule 2, including payment for investigation costs incurred by the Commission.

(e) **Grounds for Refusal to Issue License.** A person, firm or corporation is ineligible to receive a vendor's license if any of the following exist:

(1) the person has been convicted of a felony under

the laws of Michigan, any other State, or the United States within the 5 years preceding the application for license;

(2) the person has been convicted of or entered a plea of guilty or no contest to a gambling-related offense, or to fraud or misrepresentation;

(3) the person is a member of the Gaming Commission;

(4) the firm or corporation is one in which an officer, director or managerial employee is ineligible for a license under subsec. (1) through (3), above;

(5) the firm or corporation employs a person who participates in the management or operations of the Tribe's Class III gaming;

(6) the firm or corporation has an officer, director or managerial employee who submitted the license application which contains false or misleading information;

(7) the person, firm or corporation is associated with organized crime; or

(8) the person, firm or corporation has been denied a license by the Michigan Gaming Control Board, the Nevada Gaming Commission, and/or the New Jersey Gaming Commission.

(f) **Effect of License.**

(1) The holder of a vendor's license is authorized to sell or lease, and to contract to sell or lease, gaming equipment and supplies unique to gaming to the Tribe's Class III gaming facilities for a period of one (1) year from the date of issuance.

(2) Employees of a licensed vendor shall be issued access permits while engaged in servicing, installing, removing, or like activities related to their employer-provided equipment or services which are located in a facility licensed by the Gaming Commission. Such permit requires compliance with all applicable federal, state and tribal laws, and with regulations of the Commission.

(g) **Equipment Used in Unauthorized Facility.** Any supplier's equipment, devices or supplies which are used by any person in a gaming operation not authorized by the Tribe and the Commission shall be confiscated by the Commission.

(h) **Provisional License.** The Commission may, at its discretion, issue a provisional license to any applicant who provides written documentation that it holds a current gaming vendor's license from any State, and who submits an application fee of \$1,000. For those vendors seeking a vendor's license prior to October 1st of any calendar year, this amount will be credited to the license fee payment due under Section (b) of this Rule. For those vendors seeking a license after October 1st, the provisional license shall be in effect until March 31 of the subsequent calendar year, and no further license fee shall be due.

(i) **License Renewal.** A vendor who has received a license under this Rule may obtain a renewal license upon written application for such renewal license, which shall clearly state any change in ownership, location, employees, or any other subject listed in the application from that of the previous year. A license renewal fee shall accompany the application, which shall be:

(1) For vendors with no significant change indicated in the renewal application, a fee of \$250 for the business entity and an additional \$100 for each business entity principal, partner or stockholder who is listed on the previous year's application;

(2) For vendors with a significant change indicated in the renewal application, a fee of \$750 for the business entity and in addition, a fee of \$250 will be assessed for each new principal, partner and stockholder not previously listed in the vendor's application.

(j) **Waiver or Reduction of Fees.** The Gaming Commission may waive or reduce the amount of the renewal fee upon written request of the applicant for renewal, provided that such request is made prior to the submission of the renewal application. The applicant must demonstrate:

(1) that payment of the established fee amount causes, or will cause, financial hardship to the applicant; or

(2) that the renewal fee is an amount equal to at least fifty per cent (50%) of the total annual gross revenue which the applicant derives from doing business with the operator(s) licensed by the Gaming Commission.

The decision to issue a waiver, or to reduce the established fee by any amount, is a matter solely within the discretion of the Gaming Commission.

(k) **Vendor License Term from and after 2009.** For calendar year 2009, the expiration date of vendor's licenses shall be March 31, 2010. Thereafter, all vendor licenses shall be issued for a term ending on March 31. The fees for a vendor license shall continue to be determined pursuant to Sections (b) and (i), and shall also include the payment of any costs incurred by the Commission in carrying out the investigatory functions described in Game Rule 2(f).

CERTIFICATION

This is to certify that the above Gaming Commission Rule #5, as amended by revising Sec. (e), has been reviewed and approved at a meeting of the Bay Mills Executive Council held at Bay Mills, Michigan, on the 12th day of September, 2016, with a vote of 3 in favor, opposed, 1 absent, and 1 abstaining. The President must abstain except in the event of a tie.



Stacey A. Walden, Secretary
Bay Mills Executive Council