

**Bay Mills Business Holdings  
Marijuana Commission  
Investigation and Violation Hearing**

**I. Statement of Policy**

- A. Under Marijuana Commission Ordinance 22, in the discharge of its powers, duties and responsibilities, the Marijuana Commission Director shall investigate all violations and in the course of duties under the Marijuana Ordinance and Marijuana Commission Ordinance shall report all violations to the Marijuana Commission.
- B. The Marijuana Commission, after review of the investigation, may conduct hearings to suspend or terminate the gaming license of any employee.

**II. Procedure**

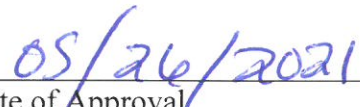
- A. The Marijuana Commission Director (MCD) shall investigate all potential violations, whether reported, found during the audit/inspection, or day-to-day operations of the Marijuana Commission, on the company and employees.
- B. The MCD shall immediately bring findings to the Marijuana Commission Chairperson and the Bay Mills Indian Community Legal Department to determine if immediate action is needed by the Marijuana Commission.
  - 1. For immediate action the Marijuana Commission Chairperson will call for an immediate meeting.
  - 2. Investigations not needing immediate response will be brought to the Marijuana Commission at their next regular scheduled meeting.
- C. After review of information relevant to the violation, the Marijuana Commission shall determine whether there is sufficient evidence to hold a hearing within 15 days of receipt of the Director's report of violation.
- D. Within three (3) days of decision to hold a show cause hearing, the MCD or designee, sends Notice of Hearing Business Holdings General Manager, NLCC Store Manager, and anyone else involved. The hearing shall be set for no less than ten (10) days and not more than 14 days from the date of the notice. Notice may be delivered in person or via certified mail to the address on file with the Marijuana Commission.
- E. Notice shall include the following; reason for the hearing, time, date, location of hearing; an outline of proceedings, recommended action.
- F. General Manager, NLCC Store Manager or anyone else involved shall notify the MCD, in writing, not less than 48 hours prior to the hearing date a list of witnesses and their intent to be represented by legal counsel.
- G. Upon such notification of the licensee's intent to have legal counsel present on their behalf, the Compliance Director shall consult with and request the presence of the tribe's legal counsel at the hearing.
- H. At least four (4) members of the Marijuana Commission must be present at every hearing in order to render and enforce all decisions.
- I. Either the licensee or the MCD may request to reschedule a hearing provided that such request is made at least three (3) days prior to the scheduled hearing to the Commission Chairperson.
- J. In the event that the licensee fails to appear at a hearing without prior notice and showing of good cause for non-appearance, the Marijuana Commission may proceed with hearing and decision.
- K. The Marijuana Commission Chairperson shall preside over the hearing. In the event that the Chairperson is unavailable, the Commission may designate one of the following to preside; a member Commissioner, or tribal court staff to preside over the hearing. Only the Marijuana Commission, MCD, licensee and counsel, and a recorder shall be present during the entire hearing. The hearing shall proceed in the following order:
  - 1. The Director or designee shall present the violation in question, including the investigation report, witness testimony, and viewing of evidence when necessary. At the conclusion of the presentation, the Director shall indicate the recommended disciplinary action.

2. The licensee shall present any evidence, information or witness testimony relevant to the violation in question, including the opportunity to cross examine any opposing witness presented by the Director. The licensee may present argument as to why disciplinary action should not be issued.
  3. Witnesses for either party shall only be present at the time of their testimony.
- L. Upon conclusion of the hearing, the Marijuana Commission shall deliberate and shall issue a decision. The decision shall comply with the requirements of the Marijuana Ordinance and Marijuana Commission Ordinance. Notice of Marijuana Commission action shall be given to MCD.
  - M. The entire proceeding, including deliberation shall be recorded and transcribed.
  - N. The MCD shall notify all those involved of the Marijuana Commission action, in writing, via certified mail or in person within three (3) days of hearing. Notification shall include written decision as to the nature of the violation, action taken on.
  - O. The Marijuana Commission decision and hearing shall be permanently filed in the designated file system.

### **Certification**

This is to certify that the above Marijuana Commission – Investigation and Violation Hearing has been reviewed and approved by the Bay Mills Business Holding Board.

  
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Bay Mills Business Holding Board Member

  
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Date of Approval