

TITLE 160: LOCAL RULES AND REGULATIONS; ROTA (FIRST SENATORIAL DISTRICT)

**SUBCHAPTER 160-20.1
ROTA CASINO GAMING COMMISSION RULES AND REGULATIONS**

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Subchapter Authority: Rota Local Initiative 1 (2007), Rota Casino Act of 2007 [10 CMC §§ 12101-12163]; 10 CMC § 12118.

Subchapter History: Amdts Adopted 33 Com. Reg. 31657 (June 27, 2011); Amdts Proposed 33 Com. Reg. 31439 (Mar. 23, 2011); Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Rota Casino Act of 2007 (10 CMC §§ 12101-12163), a local initiative, became effective on November 17, 2007. See Commission comment to 10 CMC § 12101 for more information on the effective date of the Rota Casino Act of 2007. The act established the Rota Casino Gaming Commission (RCGC), which is authorized to promulgate regulations. 10 CMC §§ 12111 and 12118.

Part 001 - Introduction

§ 160-20.1-001 Mission Statement

To serve the community by ensuring the integrity of the casino industry, and to provide opportunities, economic growth for Rota and the Commonwealth.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” pursuant to 1 CMC § 3806(f).

§ 160-20.1-005 Statement of Purpose

To protect the reputation of Rota by seeking:

- (a) To ensure that all gaming activities on Rota are conducted fairly and honestly;
- (b) To provide revenue for the management of the Commission and the Municipality as intended by the Act;
- (c) To provide guidance to monitor and safeguard the casino industry and to protect the interest of the public;
- (d) To contribute to the general fund through licensing activities therefore increasing the economic tax base;
- (e) To promote the tourism industry and Rota and the CNMI.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections (a) through (e) pursuant to 1 CMC § 3806(a). The Commission corrected the capitalization of the word “casino” in subsection (c) pursuant to 1 CMC § 3806(f).

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§ 160-20.1-010 Introduction

(a) From 1991 to 2003, the people of Rota have tried four times, through public initiative, to allow casino operation without success. However, in November 2007 election, the people by overwhelming vote (85% vote cast) finally approved the public initiative to allow Casino gaming. This law is now known as the Rota Casino Act of 2007. The Act provides for the establishment of a Rota Casino Gaming Commission. There are five Commission members appointed by the Mayor and confirmed by the Rota Municipal Council.

(b) The Commission is the governing body authorized by the Act to promulgate rules and regulations. The rules and regulations includes: receiving application, impose fees, process application for eligibility, issue licenses, conduct hearings, and enforces* for compliance.

(c) An applicant for a Rota Casino Gaming License will seek the granting of a privilege and the burden of proving their qualifications to receive such license are at all times on the applicant.

(d) An applicant must accept any risk of adverse public notice, embarrassment, criticism, or other action, or financial loss, which may result from action with respect to an application, and expressly waives any claim from damages as a result thereof.

(e) Anything in the application document or supplementary documents prepared for the purpose of soliciting applications for casino gaming license under the terms of the rules and regulations does not form part of any agreement nor does it amount to a representation that the Commission will act in any way.

(f) With its rich history and tradition of having the friendliest people in the Marianas and with the protection of the American judicial system and U.S. laws, investing on Rota can be mutually beneficial to both investors and the people of Rota. If you are serious in investing on Rota, you may find Rota a perfect choice of location for your casino, with Guam as your closest customer base and China, Japan, South Korea, Taiwan, Hong Kong, and Manila with only three to five hours flight time to Rota.

* So in original.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections (a) through (f) pursuant to 1 CMC § 3806(a). The Commission corrected the capitalization of the words “casino” in subsections (a) and (f), “rules and regulations” in subsections (b) and (e), “casino gaming license” in subsection (e), and “judicial system” in subsection (f) pursuant to 1 CMC § 3806(f). The Commission corrected the phrase “U.S. laws” in subsection (f) pursuant to 1 CMC § 3806(f) and (g). The Commission struck the figures “4” and “5” from subsection (a) and “3” and “5” from subsection (f) pursuant to 1 CMC § 3806(e).

§ 160-20.1-015 Definitions

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- (a) “Act” means the Rota Casino Act of 2007.
- (b) “Authorized Personnel” means any member or designee of the Rota Casino Gaming Commission.
- (c) “Casino” Means a place, area, structure, subject to license under Section 6(a) of the Rota Casino Ad of 2007 for the conduct and playing of one or more games, including associated activities, such as money counting, surveillance, accounting, and storage, related to such conduct and playing.
- (d) “Casino Employee” means an individual who is employed in the operation of a casino and who does not supervise other individuals employed in the casino and include:
- (1) A dealer, a security employee, count room employee, a cashier’s cage employee, a slot machine employee, a slot booth employee and a surveillance employee, an audit and accounting employee and a data processing employee.
 - (2) Any other individual, including a maintenance employee and a food and beverage server, who has access to the casino.
 - (3) Any employee whatsoever of a Casino Licensee so designated by the Commission.
- (e) “Casino Gaming” means card games, table games and other games of chance, including without limitation slot machines, blackjack, poker, dice, roulette, baccarat, and money-wheels and video facsimiles of all such games.
- (f) “Casino Gaming Licensee” means the holder of the license to operate casino gaming at the casino gaming facility.
- (g) “Casino Gaming Service Provider” means:
- (1) Gaming equipment distributor (any person who distributes, sells, supplies, or markets gaming equipment).
 - (2) Gaming equipment industry (gaming equipment manufacturers, produces, or assembles gaming equipment).
 - (3) Gaming equipment manufacturer (any person who manufactures gaming equipment).
 - (4) Gaming equipment servicer (any person who maintains, services, or repairs gaming equipment).
 - (5) Gaming school (an individual or an institution that provides training for casino employees).
- (h) “Casino Key Employee” means an individual who is employed in the operation of a casino and who supervises other individuals employed in the casino and includes:
- (1) A manager, an assistant manager, a floor person, a pit boss, a shift boss, a credit manager, and a count room manager; and
 - (2) A supervisor of security employees, surveillance employees, accounting and auditing employees, and cashiers or count room employees; and
 - (3) Any employee whatsoever of a casino licensee so designated by the Commission.

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- (i) “Casino Licensee” means the holder of the license to operate casino gaming at the casino gaming facility.
- (j) “Casino Non-Gaming-Related Supplier” means a person who provides for the playing of games of chance in a casino, gaming equipment that is not mentioned in the definition of casino gaming-related supplier in this section, or goods or services that relate to the construction, furnishing, repair, maintenance, or business of a casino, but that are not directly related to the playing of games of chance.
- (k) “Casino Security Service” means any non-governmental enterprise providing physical security services to a casino, a casino licensee, to an approved hotel, or to any premises located with a casino hotel complex.
- (l) “Casino Service Provider” means a person subject to license under Section 6(b) of the Rota Casino Act of 2007 that offers goods or services directly related to gaming, including such persons as gaming equipment manufacturers, importers, distributors, or repairers; schools that teach gaming, including playing, dealing, or other techniques; and casino security services.
- (m) “Chairman” (“Chair”) means the Chairman of the Rota Casino Gaming Commission also acts as the Chief Executive Officer of the Commission. The Chairman presides over Commission and conduct the business of the Commission.
- (n) “CMC” means the Commonwealth Marianas Code.
- (o) “CNMI” means the Commonwealth of the Northern Mariana Islands.
- (p) “Commission” means the Commission means* the Rota Casino Gaming Commission established by Section 3 of the Rota Casino Act 2007; it is the governmental body charged with regulating casino and other types of gaming and of enforcing gaming law in general. The official name of this regulatory body is the Rota Casino Gaming Commission.
- (r) “Commissioner” means the commission member of the Rota Casino Gaming Commission.
- (s) “Commonwealth” means the Commonwealth of the Northern Mariana Islands.
- (t) “Confidential Information” means any information or data, furnished to or obtained by the Commission from a source, which is considered confidential pursuant to the applicable statutory provision, judicial decision, or rule of court.
- (u) “Executive Commission.” The Executive Director of the Rota Casino Gaming Commission is the senior manager or executive officer of the Commission office. Responsible for the day-to-day operation of the Commission, including managing staff in collaboration with the Commission. In essence, the Commission grants the Executive Director the authority to run the RCGC and is accountable to the Chairman of the Commission.

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- (v) “Financial Year” means the period of 12 months ending on 30 September in any year or, where the Rota Casino Gaming Commission approves some other date as the terminating date of a financial year in a particular case, the period of 12 months ending on a date so approved.
- (w) “Fiscal Year” means the fiscal year shall be the period commencing on October 1 and ending the subsequent September 30.
- (x) “Game” means any activity that includes elements of prize, consideration, and chance.
- (y) “Gaming” means the playing of any game.
- (z) “Gaming Equipment” means any mechanical, electrical, or electronic contrivance or machine used in connection with gaming or any game and includes, without limitation, roulette wheels, roulette tables, big six wheels, craps tables, tables for card games, layouts, slot machines, cards, dice, chips, plaques, card dealing shoes, drop boxes, and other devices, machines, equipment, items, or articles determined by the Commission to be so utilized in gaming as to require licensing of the manufacturers, distributors, or services or as to require Commission approval in order to contribute to the integrity of the gaming industry.
- (aa) “Gross Gaming Revenue” means an imposed Rota Gaming Tax equal to ten percent of the gross gaming revenue of any casino subject under the Rota Casino Act of 2007. The term “gross gaming revenue” means the total of all sums received as winnings less only the total of all sums paid out as losses by a casino under a gaming license. In regards to tournament fees, it shall equal the total contribution to the tournament fees while playing at the casino minus any credits, bonuses paid, charge backs, or costs attributable directly and specifically to the player in that specific tournament.
- (bb) “Hotel/Casino Complex” means an establishment that provides lodging accommodations and gaming facilities required under the rules and regulations.
- (cc) “Junket” means a casino junket, where gamblers are flown to an area where legalized gambling is available and booked into a hotel/casino.
- (dd) “Members” means the members of the Rota Casino Gaming Commission.
- (ee) “Municipality” means the Municipality of Rota in the First Senatorial District, Commonwealth of the Northern Marianas.
- (ff) “Operator” means a person that actually provides the overall management of the operations of a casino, whether by ownership, lease, contract, agreement, or otherwise.
- (gg) “Person” means and includes a natural person, as well as a partnership, corporation, association, joint venture, or other business entity.

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(hh) “RCGC” means the Rota Casino Gaming Commission as created by the Rota Casino Act of 2007.

(ii) “RCGC Logo.” The Logo consists of the symbol and landmark of Rota, it includes Mount Taipingot which lies at the southern end of Songsong Village in Rota. It is more commonly known as “Wedding Cake Mountain” because of its resemblance to a layered wedding cake. The areas in and around the mountain are conservation areas established to protect the native flora and fauna that thrive there. Also included is a latte stone, or simply latte (also latde), is the term for a pillar (haligi) capped by a hemispherical stone capital (tasa) with the flat side facing up. Used as building supports by the ancient Chamorro people, they are found throughout most of the Marianas Islands, the latte stone is seen as a sign of Chamorro identity. Lastly, the Coconut Tree is known to have many uses, from its raots to tips (leaves), from culinary to non-culinary, the coconut tree is considered as the “Tree of Life.”

(jj) “Rota Casino Gaming Commission” means the regulatory agency of local government established by the Rota Casino Ad of 2007.

(kk) “Rota Municipal Treasurer” Means a person appointed by the Mayor whose primarily responsibility is to collect and account for all revenues derived from casino industry.

(ll) “Rules and Regulations” means the policies promulgated by the Rota Casino Gaming Commission.

(mm) “Sales Representative” means any person owning an interest in, employed by, or representing a casino service industry enterprise licensed, who solicits the goods and services or business thereof.

(nn) “Secure Storage Facility” means any area, room, furniture, equipment, machinery, or other device used by the Commission for the storage of confidential information access to which is limited to authorized personnel at all times by lock or other appropriate security precaution.

(oo) “Severability” means if any provision of the rules and regulations or any application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or the application of these rules and regulations which can be given effect without the invalid provision and, to this end, the provisions of these rules and regulations are severable.

* So in original.

Modified, 1 CMC § 3806(f).

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted a period at the end of subsection (a), struck superfluous quotation marks from subsections (d) and (h), moved punctuation inside a quotation mark in subsection (ii), corrected the spelling of “cashiers” in subsection (h) and “whose” in subsection (kk), and inserted commas after the words “supplies,” “produces,” and “services” in subsection (g), “maintenance” in subsection (j), “hotel” in subsection (k),

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“decision” in subsection (t), “electrical,” “items,” and “distributors” in subsection (z), “by” in subsection (mm), and “machinery” in subsection (nn) pursuant to 1 CMC § 3806(g). The Commission struck the figure “10% from subsection (aa) pursuant to 1 CMC § 3806(e).

Part 100 - Construction and Application of Rules

§ 160-20.1-101 Authority

These rules and regulations are issued under authority of the Rota Casino Gaming Commission (RCGC) provided for under Section 4 to 15 of the Rota Casino Act of 2007.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” pursuant to 1 CMC § 3806(f).

§ 160-20.1-105 Construction and Amendments

(a) These rules and regulations shall be construed in accordance with generally accepted principles of statutory construction.

(b) These rules and regulations shall be liberally construed to permit the Commission to effectively carry out its statutory functions and to secure a just and expeditious determination of issues properly presented to the Commission.

(c) Nothing contained in these rules and regulations shall be so construed as to conflict with any provision of the Act.

(d) In special cases and for good cause shown, the Commission may relax or permit deviations from these rules and regulations.

(e) These rules and regulations may be amended by the Commission from time to time in accordance with the provisions of the Administrative Procedure Act (1 CMC 9101 et seq.).

(f) Whenever any provision of these rules and regulations requires that an act or event occur on a specified day or date, and such day or date falls upon Saturday, Sunday or legal holiday, such provision shall be construed to refer to the next business day immediately following such day or date.

(g) The Commission may authorize the temporary adoption, amendment, or repeal of any rules and regulations concerning the conduct of gaming or the use or design of gaming equipment for an experimental period not to exceed ninety days, for the purpose of determining whether such rules and regulations should be adopted on a permanent basis. Any interested person may file a petition for temporary rulemaking with Commission in accordance with the rules and regulations at part 1900.

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History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” in all subsections and “legal holiday” in subsection (f) pursuant to 1 CMC § 3806(f). The Commission struck the figure “90” from subsection (g) pursuant to 1 CMC § 3806(e). The Commission inserted a comma after the word “amendment” in subsection (g) pursuant to 1 CMC § 3806(g).

§ 160-20.1-110 Words and Terms; Tense, Number, and Gender

In construing the provisions of these rules and regulations, except when otherwise plainly declared or clearly apparent from the context:

- (a) Words in the present tense shall include future tense;
- (b) Words in the masculine shall include the feminine and neutral genders;
- (c) Words in the singular shall include the plural and the plural shall include the singular.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

§ 160-20.1-115 Severability and Preemption

(a) If any clause, sentence, subparagraph, paragraph, subsection, section, chapter, or other portion of these entire rules and regulations or the application thereof to any person or circumstance shall be held to be invalid, such holding shall not affect, impair, or invalidate the remainder of these rules and regulations or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, chapter, or other portion thereof directly involved in such holding or to the person or circumstance therein involved.

(b) The Commission shall have exclusive jurisdiction over all matters delegated to it or within the scope of its power under the provisions of the Act and these rules and regulations.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” in subsection (b) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “chapter” and “impair” in subsection (a) pursuant to 1 CMC § 3806(g).

§ 160-20.1-120 Practice where Regulations Do Not Govern

(a) In any matter not governed by these rules and regulations, the Commission shall exercise its discretion so as to carry out the purposes of the Act.

(b) The Commission may require an audit of its operations as needed.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

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Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” pursuant to 1 CMC § 3806(f).

Part 200 - Organization and Operation of the Commission

§ 160-20.1-201 Organization

(a) The Commission consists of five members appointed by the Mayor with the advice and consent of the Municipal Council. The commissioner whose term has expired and where the position has not been filled, may continue to serve for a period of not more than 30 days after their original term expiration date.

(b) The officers of the Commission shall include a Chairman, Vice-Chairman and Secretary who shall be members of the Commission. The officers of the Commission shall be elected biannually at the organizational meeting of the Commission by a majority of the full Commission. The Chairman, as Chief Executive Officer of the Commission, shall schedule and preside at all meetings of the Commission; shall appoint the members of the Commission to such committees as the Commission may, from time to time, establish; shall have the authority to accept for filing all applications; shall have the authority to incur on behalf of the Commission such expenses as the Commission shall have approved in its operating budget or by majority vote of the Commission pursuant to a duly organized meeting; shall have general supervision, direction, and control of the affairs of the Commission; and shall perform such other duties as are incidental to the office and as may be assigned, from time to time, by the Commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission struck the figure “5” from subsection (a) pursuant to 1 CMC § 3806(e). The Commission corrected the spelling of the word “whose” in subsection (a) and inserted a comma after the word “direction” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 160-20.1-205 Meetings

(a) Regular meetings of the Commission shall be held at least once per month on Rota, CNMI, on such dates and at such times as the Commission shall establish.

(b) Special meetings of the Commission will be held from time to time on such dates and at such times and places as the Commission may deem convenient pursuant to the Open Government Act.

(c) The organizational meeting of the Commission shall be held every two years from the date first organized.

(d) The Commission may prepare an agenda describing the order of business for public meetings, which agenda shall include, but not be limited to:

(1) Call to Order;

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- (2) Roll Call;
- (3) Adoption of Agenda;
- (4) Adoption of Minutes;
- (5) Consideration of Applications for Licenses;
- (6) Consideration of Complaints Against Licenses;
- (7) Consideration of Petitions for Commission Action or Approval;
- (8) Chairman's Report;
- (9) Committee Reports;
- (10) Executive Director's report;
- (11) Old Business;
- (12) New Business;
- (13) Miscellaneous;
- (14) Adjournment.

(e) Where not inconsistent with either the Act or internal policies developed by the Commission, the newly revised Robert's Rules of Order shall govern any procedural matters before the Commission or its committees.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission struck the figures "2" and "1st" from subsection (c) pursuant to 1 CMC § 3806(e). The Commission corrected the spelling of "Robert's" in subsection (e) pursuant to 1 CMC § 3806(g).

§ 160-20.1-210 Quorum; Votes

(a) A majority of the full Commission shall constitute a quorum at any meeting of the Commission. However four commissioners are required to approve a casino or interim casino authorization, unless there is a commissioner removed with cause by the Mayor and approved by the Rota Municipal Council, at which time a simple majority of the quorum will be sufficient.

(b) The vote on any matter before the Commission shall be taken in a manner to be determined by the Commission. The names of the members voting for or against or abstaining shall be entered in the minutes of the meeting.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission struck the figure "4" from subsection (a) pursuant to 1 CMC § 3806(e).

§ 160-20.1-215 Resolutions and Minutes

(a) The records of the Commission shall include a minute book and a resolution book. The vote on any matter before the Commission shall be set forth in the minutes in accordance with requirements of (b) below. If the Commission determines to memorialize the vote on a particular matter by the preparation of a formal resolution, the resolution shall be prepared in accordance with the requirements of (c) below and shall be recorded in the resolution book.

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(b) Every vote of the Commission recorded in the minutes shall include the following information:

- (1) The substance of the matter considered;
- (2) The vote of the Commission, including the names of any Commissioner dissenting or abstaining;
- (3) If appropriate, reference to the existence of a formal resolution concerning the matter; and
- (4) Certification by the Secretary of the Commission.

(c) Every formal resolution of the Commission shall include the following information:

- (1) A concise statement of the issues presented and the relevant procedural history;
- (2) The precise statutory authority for the action taken;
- (3) A precise statement of the action taken by the Commission, including any terms or conditions attached thereof; and
- (4) Certification by the Secretary of the Commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Part 300 - Information and Filings

§ 160-20.1-301 Office Mailing Address and Hours

(a) The main mailing address of the Commission is:

Post Office Box 1547 Rota, MP 96951

(b) The office hours of the Commission is from 7:30 A.M. to 4:30 P.M., Monday through Friday, unless otherwise authorized by the Commission. The office of the Commission is closed on legal holidays authorized by the CNMI government.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “legal holidays” and “government” in subsection (b) pursuant to 1 CMC § 3806(f).

§ 160-20.1-305 Official Records; Fees for Copies

(a) No original official record of the Commission shall be released from the custody of the Commission unless upon the express direction of the Chairman or upon the order of a court of competent jurisdiction.

(b) Copies of the official records of the Commission which are required by law to be made available for public inspection will be made available during the hours provided for in section 160-20.1-301, and upon the payment of appropriate fees.

(c) No person shall, directly or indirectly, procure or attempt to procure from the records of the Commission or from other sources, information of any kind which is not made available by

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proper authority.

(d) No application, petition, notice, report, document, or other paper will be accepted for filing by the Commission and no request for copies of any forms, pamphlets, records, documents, or other papers will be granted by the Commission, unless such papers or request are accompanied by the required fees, charges, or deposits.

(e) Copies of official records of the Commission which are required by law to be made available for public inspection where copies are provided shall be fifty cent per page.

(f) All payment of fees, deposits, and charges shall be made payable to the order of the “Rota Municipal Treasurer” and delivered to the main office of the Commission or certified mailed to the mailing address of the Commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the words “fifty cent” in subsection (e) and “fees” in subsection (f) pursuant to 1 CMC § 3806(f). The Commission struck the figure “\$.50” from subsection (e) pursuant to 1 CMC § 3806(e). The Commission inserted commas after the words “document” in subsection (d) and “deposits” in subsection (f) pursuant to 1 CMC § 3806(f).

§ 160-20.1-310 Communications/Notices

(a) Except as otherwise provided at section 160-20.1-301, all papers, process, or correspondence relating to the Commission should be addressed to or served upon the Rota Casino Gaming Commission at the Commission’s main office.

(b) All such papers, process, or correspondence shall be deemed to have been received or served when delivered to the main office of the Commission but a Commissioner or such individual members of the Commission’s staff as the Chair may designate, may in his or her discretion receive papers or correspondence or accept service of process.

(c) Except as otherwise provided by law, notices and other communications from the Commission will be sent to an applicant or license by ordinary mail at the address shown in the application or license. Notices shall be deemed to have been served upon their deposit, postage prepaid, in the United States mails, and the time specified in any such notice shall commence to run from the date of such mailing. Any applicant or licensee who desires to have notices or other communications mailed to an address other than that specified in the application or license shall file with the Commission a specific request for that purpose, and notices and other communications will, in such case, be sent to the applicant or licensee at such address.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission inserted commas after the words “process” in subsections (a) and (b) pursuant to 1 CMC § 3806(g).

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§ 160-20.1-315 Public Information Office

Request for information regarding the Rota Casino Gaming Commission may be directed to:

Rota Casino Gaming Commission
Post Office Box 1547, Rota, MP 96951

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

§ 160-20.1-320 Filing of Petitions and Applications

Petitions for formal action by the Commission shall be addressed to the Chairman of the Commission and should be certified mailed or delivered to:

Attention: Chairman of the Commission
Rota Casino Gaming Commission
Post Office Box 1547, Rota, MP 96951

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

§ 160-20.1-325 Petitions for Rulemaking

(a) Any interested person may file a petition with the Commission for the adoption, amendment, or repeal of any rule, pursuant to Commission regulation. Such petition shall be in writing, be signed by the petitioner, and include the following information:

- (1) The name and address of the petitioner;
- (2) The substance or nature of the requested rulemaking;
- (3) The reasons for the request;
- (4) The specific legal rights, duties, obligations, privileges, benefits, or other specific legal relations of the interested person which are affected by the requested rulemaking; and
- (5) Reference to the statutory authority under which the Commission may take the requested action.

(b) Any document submitted to the Commission which is not in substantial compliance with this section shall not be deemed to be a petition for rulemaking requiring further action. The Commission may return the document to the petitioner with instructions as to the steps necessary to correct any defects or omissions in accordance with this section.

(c) A petition for rulemaking shall be scheduled for consideration at a regularly scheduled public meeting of the Commission. The petitioner shall be given an opportunity to make a statement in support of the requested rulemaking.

(d) Within sixty days of receipt of a petition which is in compliance with this section, the Commission shall mail to the petitioner a notice of action on the petition, which shall include the nature or substance of the Commission's action upon the petition and a brief statement of reasons

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for the Commission's actions.

- (e) Commission action on a petition for rulemaking may include:
- (1) Approval or denial of the petition;
 - (2) Filing a notice of proposed rule; or
 - (3) Referral of the matter for further deliberations, the nature of which will be specified and which will conclude upon a specified date. The results of these further deliberations shall be mailed to the petitioner.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted commas after the words "amendment" in subsection (a) and "benefits" in subsection (a)(4) pursuant to 1 CMC § 3806(g). The Commission struck the figure "60" from subsection (d) pursuant to 1 CMC § 3806(e). The Commission corrected the capitalization of the word "denial" in subsection (e)(1) pursuant to 1 CMC § 3806(f).

Part 400 - Confidential Information

§ 160-20.1-401 Definitions

The following words and terms, when used in this subchapter, shall have the following meaning unless the context clearly indicates otherwise.

- (a) "Authorized Personnel" means any member or designee of the Rota Casino Gaming Commission.
- (b) "Confidential Information" means any information of data, furnished to, or obtained by the Commission from a source, which is considered confidential pursuant to the Open Government Act, applicable statutory provision, NMI Constitution, and judicial decision or rule of court.
- (c) "Secure Storage Facility" means any area, room, furniture, equipment, machinery, or other device used by the Commission for the storage of confidential information, access to which is limited to authorized personnel at all times by lock or other appropriate security precaution.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted quotation marks around terms defined. The Commission inserted commas after the words "to" and "constitution" in subsection (b) and "machinery" in subsection (c) pursuant to 1 CMC § 3806(g).

§ 160-20.1-405 Determination of Confidential Status

- (a) All information and data furnished to or obtained by the Commission which relates to the internal controls, or to the earnings or revenue of any applicant, or licensee, or which pertains to an applicant's criminal record, family, or background, shall not be released or disclosed to any person except in accordance with the provisions of this subchapter.

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(b) Any question concerning whether or not a specific item of information or data within the possession of the Commission is deemed to be confidential information, or any other applicable statutory provision, judicial decision, or rule of court, shall be submitted to the Commission or its designee for determination or referral to appropriate authorities.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted commas after the words “family” in subsection (a) and “decision” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 160-20.1-410 Access

Access to confidential information within the possession of the Commission shall be restricted to authorized personnel.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

§ 160-20.1-415 Retention in Secure Storage Facilities

(a) Confidential information which is not presently being utilized by authorized personnel shall be stored in secure storage facilities designated for such purposes by the Commission. No one except authorized personnel may gain access to designated secure storage facilities except in accordance with the provisions of this subchapter.

(b) All Commission offices in which secure storage facilities are located shall be protected from unauthorized intrusions at all times. Proper security precautions during non-business hours may include the use of alarm or security guard systems.

(c) Every secure storage facility shall be placed under the direct supervision and control of an appropriate supervisor who shall periodically review for their effectiveness all security procedures and precautions pertaining to the confidential information stored therein. Security procedures and precautions that are determined to be ineffective shall be immediately corrected.

(d) Confidential information may be stored in secure facilities on micrographics, hard copy (paper), magnetic media, or any other suitable medium, provided adequate security measures are maintained to prevent unauthorized access to or use of such information.

(e) Access to confidential information stored on computer or magnetic media shall be restricted to authorized personnel who have obtained the required operating key, code manual, or access code from the appropriate supervisor. Operating keys, code manuals, and access codes shall be limited in number and shall be controlled by the appropriate supervisor.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted commas after the words “media” in subsection (d) and “manual” and “manuals” in subsection (e) pursuant to 1 CMC § 3806(g).

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§ 160-20.1-420 Temporary Custody by Authorized Personnel

(a) Authorized personnel shall not remove confidential information from designated secure storage facilities unless such removal is necessary to the fulfillment of their official duties. Confidential information which is not presently being utilized by authorized personnel shall be promptly returned to the secure storage facility.

(b) A record shall be maintained on all confidential information which is removed from secure storage facilities other than those which utilize computer or magnetic media. This record shall include:

- (1) The name of the person removing the information;
- (2) The name of the person for whom the information is being obtained;
- (3) The date of removal;
- (4) A brief description of the information removed or the number of the file which has been removed; and
- (5) The date the information is returned.

(c) Confidential information shall not be removed from the office of the Commission without the prior approval of an appropriate supervisor. Such approval shall only be granted where removal of the confidential information is necessary to the performance of the official duties of authorized personnel pursuant to section 160-20.1-435(a).

(d) The integrity of confidential information in the possession of authorized personnel shall be preserved at all times. It shall be the personal responsibility of any individual granted temporary custody of confidential information to insure that the information is not shown, released, or disclosed to any unauthorized person. Information temporarily stored outside designated secure storage facilities shall be maintained in a locked desk or filing cabinet, or protected by other appropriate security precautions.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted a comma after the word “released” in subsection (d) pursuant to 1 CMC § 3806(g).

§ 160-20.1-425 Copies

A hard copy of confidential information stored on computer or magnetic media, or any other copy of confidential information within the possession of the Commission, shall only be made available where absolutely necessary to carry out the enforcement of the rules and regulations, or where an authorized release of the confidential information is made available pursuant to this subchapter.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” pursuant

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to 1 CMC § 3806(f).

§ 160-20.1-430 Retention Schedule and Storage Destruction

(a) The Commission shall establish and maintain a record retention schedules for all confidential information within their possession.

(b) Any confidential information in the possession of the Commission shall be destroyed in accordance with the provisions of the applicable records retention schedule required by (a) above.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

§ 160-20.1-435 Release; Notice

(a) Confidential information within the possession of the Commission shall not be released or disclosed in whole or in part to any person, except:

- (1) In the course of the necessary administration of the Act; or
- (2) Upon lawful order of a court of competent jurisdiction; or
- (3) Upon presentation of proper identification, to the applicant, registrant, or licensee who furnished the confidential information to the Commission; or
- (4) Upon presentation of a duly executed and notarized release authorization by the applicant, or licensee who furnished the confidential information, to any person making a written request for specifically identified confidential information.

(b) If confidential information is released or otherwise disclosed to any person under any circumstances other than those identified in (a)(4) above, written notice of such release or disclosure shall be given to any applicant or licensee affected, unless notice would otherwise imperil the integrity of casino operations. To the extent known, the notice shall include:

- (1) The name and address of the person to whom the information was released or disclosed;
- (2) A description of the information released or disclosed; and
- (3) The date of the release or disclosure.

(c) Whenever possible, any such notice of confidential information to be released or disclosed shall be given prior approval the release or disclosure.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted a comma after the word “registrant” in subsection (a)(3) pursuant to 1 CMC § 3806(g). The Commission corrected the capitalization of the word “casino” in subsection (b) pursuant to 1 CMC § 3806(f).

§ 160-20.1-440 Penalties

(a) Any direct or indirect willful disclosure of confidential information by authorized personnel of the Commission except as provided herein, shall be a violation of the Commission’s

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Code of Ethics and these rules and regulations.

(b) The unauthorized release or disclosure of confidential information shall also be a violation. Such violations may include penalties as establish by the Commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” in subsection (a) pursuant to 1 CMC § 3806(f).

Part 500 - Application

§ 160-20.1-501 Receipt

All application papers, unless otherwise directed by the Chair, shall initially be submitted to and received by the Chair, or such members of the Commission staff as the Chair may designate, who shall cause to be endorsed thereon the date of such receipt.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

§ 160-20.1-505 Filing

The Chair, or such members of the Commission staff as the Chair may designate, shall determine the date of filing as to each application received and shall issue cause to be endorsed thereon the date of such filing. No application shall deem filed until the applicant satisfies all appropriate requirements to wit:

- (a) That all papers presented conform to all requirements relating to format, signature, oath or affirmation, attorney certification, and copies;
- (b) That all appropriate application, business entity disclosure forms, personal history disclosure forms, and supplemental to personal history disclosure forms have been properly completed and presented;
- (c) That all required consents, waivers, fingerprint impressions, photographs, and handwriting exemplars have been properly presented;
- (d) That all other information, documentation, assurances, and other materials required or requested at that preliminary stage pertaining to qualifications have been properly presented; and
- (e) That all required fees have been properly paid and all required bonds have been properly furnished.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted commas after the words “certification” in subsection (a), “photographs” in subsection (c), and “assurances” in subsection (d) pursuant to 1 CMC § 3806(g).

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§ 160-20.1-510 Processing

Upon a determination that all prerequisites for filing have been met, the Chair, or such members of the Commission staff as the Chair shall designate:

- (a) To accept the application for filing and cause same to be docketed by the Executive Director.
- (b) To notify the applicant or his attorney, if any, in writing, of the fact that the application has been accepted for filing and docketed, the date of such acceptance for filing and the docket number thereof and of the further fact that such acceptance for and docketing of the application shall constitute no evidence whatsoever that any requirement of the act or the regulations of the Commission have been satisfied.
- (c) To direct the staffs of the Commission to analyze, obtain, and evaluate such information of either a factual nature or otherwise as may be necessary to determine the qualifications of the applicant and any other matter relating to the application.
- (d) To direct the Commission staff to determine the costs of processing the application, as required by section 160-20.1-1230.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted commas after the words “analyze” and “obtain” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 160-20.1-515 Public Inspection of Information

No information in the possession of the Commission relating to any application shall be made available for public inspection prior to the time that the said application shall be accepted for filing and docketed in accordance with the rules and regulations. Confidential and privileged information are in full effect at all times.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” pursuant to 1 CMC § 3806(f).

§ 160-20.1-520 Amendment

It shall be the duty of each applicant to promptly file with the Chair, or such members of the Commission staff as the Chair shall designate, a written amendment to the application explaining any changed facts or circumstances whenever any material or significant change of facts or circumstances shall occur with respect to any matter set forth in the application or other papers relating thereto. Any applicant may be permitted by the Chair or designee to file any other

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amendment to the application at any time prior to final action made by the Commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

§ 160-20.1-525 Withdrawal

(a) Except as otherwise provided in (b) below, a written notice of withdrawal of application may be filed by an applicant at any time prior to final Commission action. No application shall be permitted to be withdrawn, however, unless the applicant shall have first established to the satisfaction of the Commission that withdrawal of the application would be consistent with the public interest and the policies of the Act. The Commission shall have the authority to direct that any applicant so permitted to withdraw his application shall not be eligible to apply again for licensure or approval until after the expiration of one year from the date of such withdrawal. Unless the Commission shall otherwise direct, no fee or other payment relating to any application shall become refundable by reason of withdrawal of the application.

(b) Where a hearing on an application has been requested by a party or directed by the Commission, the Commission shall not permit withdrawal of said application after:

- (1) The application matter has been assigned to any other hearing examiner authorized by law to hear such matter; or
- (2) The Commission has made a determination to hear the application matter directly.

(c) Notwithstanding the foregoing, the Commission may accept and consider written notice of withdrawal after the time specified herein if extraordinary circumstances so warrant.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

§ 160-20.1-530 Reapplication by Natural Person after Denial or Revocation

(a) Any natural person required to be licensed, qualified, or approved under the provisions of the Act or regulations of the Commission whose licensure, qualifications, or approval is either denied or revoked by the Commission on the basis of that person's failure to satisfy the affirmative qualification criteria, or due to a Commission finding that such person is disqualified under the criteria, or both, may reapply for licensure, qualification, or approval until complied* with subsection (b).

(b) Any natural person whose licensure, qualification, or approval is denied or revoked by the Commission on the basis of any of the following enumerated provisions of the Act or regulations of the Commission may reapply, in accordance with the procedure set forth in (c) below, for licensure, qualification, or approval upon satisfaction of the conditions specified herein:

- (1) Lack of financial stability: Reapplication is permitted upon said person achieving status of financial stability;
- (2) Lack of business ability and casino experience: reapplication is permitted upon said person acquiring the requisite business ability and casino experience;

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- (3) Failure to satisfy age requirement: Reapplication is permitted upon said person attaining the requisite age or upon a Commission finding that such age will be attained prior to the completion of the processing of said reapplication;
 - (4) Conviction of statutory disqualifier or inimical offenses: Reapplication is permitted after the lapsed of five years from the date of denial or upon the issuance of a judicial order of expungement or sealing, whichever occurs first;
 - (5) Prosecution or pending charges related to statutory disqualifier, reapplication is permitted upon the disposition of the prosecution or pending charges against such person.
- (c) If the licensure, qualification, or approval of any natural person has been denied or revoked on the basis of two or more statutory or regulatory provisions, reapplication shall only be permitted upon compliance with the requirements of this regulation as to each statutory or regulatory provision which the Commission found to be a basis for such denial or revocation.
- (d) This regulation applies with equal force and effect to the denial of any application by a natural person for licensure, qualifications, or approval, and to any denial of any reapplication for licensure, qualification, or approval permitted under the provisions of this regulation.

* So in original.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission inserted commas after the words “qualified” in subsection (a), “qualification” in subsection (a), (b), (c), and (d), and “qualifications” in subsection (d) pursuant to 1 CMC § 3806(g). The Commission corrected the capitalization of the word “casino” in subsection (b)(2) pursuant to 1 CMC § 3806(f).

Part 600 - License and Registration Requirements

§ 160-20.1-601 Casino Licenses

- (a) An applicant may own or operate a casino provided that a casino license or a conditional casino license shall have first been issued.
 - (1) Casino license shall be issued upon fulfillment of the requirements of the Act and the rules and regulations.
 - (2) Conditional casino license may be issued for a specified period as determined by the Commission.
 - (3) Temporary casino license may be issued to chartered non-profit or charitable organizations not to exceed fifteen calendar days per year. This provision is extinguished upon the first day of operations of a casino licensee.
- (b) Only the following persons shall be eligible to apply for a casino license:
 - (1) Any person who either owns one-hundred percent of an approved casino complex or owns or has contract to purchase or construct in the judgment of the Commission can become an approved casino* within the specified time defined by the commission;
 - (2) Any person who in accordance with the Act and the rules and regulations whether under

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the terms involving payments of a fixed sum or otherwise and whether as either a lessor or a lessee, either leases one hundred percent of the approved casino or leases or has an agreement to lease one hundred percent of a casino which in the judgment of the Commission can become an approved casino within thirty-six months unless otherwise extended by the Commission;

(3) Any person who both has an agreement for the complete management of a casino in accordance with the rules and regulations. Whether under terms involving payments of a fixed sum or otherwise, and either owns one hundred percent of or controls any approved casino facilities; and

(4) Any other person whom the Commission determined to be qualified.

(c) No corporation shall be eligible to apply for or hold a casino license unless it shall, in accordance with the provisions of the Act and the rules and regulations:

(1) Have been incorporated in the CNMI;

(2) Maintain an office in the premises licensed or to be licensed;

(3) Comply with all the requirements of the laws of the CNMI pertaining to corporations;

(4) Maintain a ledger in its principal office in the CNMI reflecting the current ownership of every class of security issued by the said corporation;

(5) Maintain all operating accounts required by the Commission in a bank or banks in the CNMI;

(6) Provide in its charter among other purposes stated the conduct of Casino gaming;

(7) If not a publicly traded corporation, establish by an appropriate charter or by law provision that, upon Commission disapproval of any future transfer of any corporate security of, share of or other interest in the applicant corporation or any holding company or subsidiary thereof, such corporations and companies shall have the absolute right to repurchase the same; and

(8) If a publicly traded corporation, establish by appropriate charter or, by law provisions that, upon Commissions disqualification of any holder of any security of the applicant corporations, such holder shall disclose of his security interest therein.

(d) No corporation shall be eligible to apply for or hold a casino license unless each corporate and non corporate holding company and intermediary company with respect thereto shall first qualify to do business in the CNMI.

(e) Temporary Casino License:

Shall mean a casino license issued to conduct casino gaming not more than fifteen calendar days per year. An applicant shall apply using a temporary license application.

(1) Qualifications criteria shall include the following:

(i) As chartered non-profit organizations based in Rota.

(ii) For fundraising of a charitable purpose and good cause.

(2) Temporary license application fee shall be five hundred dollars and the tax shall be 10% of gross winning.

(3) Ten days after the completion of the activity, the licensee shall provide financial summary report to the Commission

(f) Conditional Casino License:

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Shall mean a casino license issued to conduct casino gaming with conditions set by the commission that require the licensee to meet development and funding requirements to include but not limited to:

(1) That the conditional casino licensee has legitimate commitment to invest a minimum of \$5 million in the first phase of development, including but not limited to the following: casino construction, gaming equipment, casino cage funding, and operations. Fees paid to the commission shall not be considered as development costs.

(2) That the conditional casino licensee, shall demonstrate to the commission a phased development timeline where the total investment in the casino project will be no less than \$25 million within 10 years after gaming operations begin.

(3) That the conditional casino licensee must demonstrate a reasonable financial capability to meet the approved timeline mentioned above.

(4) That the conditional casino licensee, if not previously licensed for gaming in any other acceptable gaming jurisdiction, shall hire a casino management company, to manage the day to day operations of the casino.

(i) For purposes of this section, a casino management company shall be a person who has been licensed in other gaming jurisdictions and that has not less than 5 years casino management operations experience.

(ii) For purposes of this section, the conditional casino licensee must comply with section 160-20.1-725 for approval of any casino management agreement.

(5) General Provision - A conditional casino licensee shall allow the casino management company to operate the casino consistent with gaming management industry standards.

* So in original.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The final paragraph of subsection (f) was undesignated in the initial regulation. The Commission designated it as subsection (f)(5) pursuant to 1 CMC § 3806(a). The Commission corrected the capitalization of the words “casino” in subsections (a), (a)(2), (a)(3), (b)(1), (b)(2), (b)(3), (c), (d), (e), and (f), “rules and regulations” in subsections (a)(1), (b)(2), (b)(3), and (c), “one hundred” in subsection (b)(2) and (b)(3), and “license application fee” and “five hundred dollars” in subsection (e)(2) pursuant to 1 CMC § 3806(f). The Commission struck the figures “15” from subsections (a)(3) and (e), “100%” in subsections (b)(1), (b)(2), and (b)(3), “36” in subsection (b)(2), “\$500.00” in subsection (e)(2), and “10” from subsection (e)(3) pursuant to 1 CMC § 3806(e). The Commission inserted a comma after the word “funding” in subsection (f)(1) pursuant to 1 CMC § 3806(g).

§ 160-20.1-605 Casino Service Industry Licenses

(a) No enterprise shall, on a regular or continuing basis, provide any goods or services to or conduct any business whatsoever with a casino, a casino licensee, its employees or agents, whether or not said goods, services, or business directly relates to casino or gaming activity, unless a casino service industry license authorizing the particular casino service business shall have first been issued to the enterprise.

(b) No casino licensee shall conduct any school teaching gaming, playing, or dealing techniques unless a separate casino service industry license shall have first been issued.

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(c) The following casino service industry enterprise shall be required to be licensed as casino service industries in accordance with the rules and regulations, but not limited to:

- (1) All enterprises providing goods and services or doing any business whatsoever which directly relates to casino or gaming activity;
- (2) All schools teaching gaming, playing, or dealing techniques;
- (3) All gaming equipment manufacturers, suppliers, distributors, services, and repairers;
- (4) All casino security service enterprises;
- (5) All enterprises providing goods or services or doing any business whatsoever which does not directly relate to casino or gaming activity;
- (6) All suppliers of alcoholic beverages, food, and nonalcoholic beverages;
- (7) All garbage handlers;
- (8) All vending machine providers;
- (9) All linen suppliers;
- (10) All maintenance companies;
- (11) All shopkeepers located within any approved hotel or casino; and
- (12) All limousine, shuttle vehicle, and taxi service enterprises.

(d) The Commission may exempt any person or field of commerce from the casino service industry licensing requirements:

- (1) That such person or field of commerce is regulated by a public agency;
- (2) That licensure is not necessary to protect the public interest; and
- (3) That licensure is not necessary to accomplish the policies established by rules and regulations.

(e) All casino licensees and casino operators will be required to use locally available, within the Municipality of Rota, manpower as well as goods and services, of not less than 20% of their overall operations.

(1) If the goods and services are not readily available within the Municipality of Rota or the price of such goods and services are cost prohibitive, then the casino licensee or operator may request the commission for an exemption to this provision.

(2) The commission, when reviewing a request for exemption, shall consider the overall welfare and economic benefit to the people of Rota prior to granting such exemption.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “casino” in subsections (a), (b), (c), (c)(1), (c)(4), (c)(5), (d), and (e), and “rules and regulations” in subsection (d)(3) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “services” in subsections (a) and (c)(3), “playing” in subsections (b) and (c)(2), and “food” in subsection (c)(6) pursuant to 1 CMC § 3806(g).

§ 160-20.1-610 Employee Licenses

(a) “Casino Key Employee”, means individual who is employed in the operation of a casino and who supervises other individuals employed in the casino and includes:

- (1) A manager, an assistant manager, a floor person, a pit boss, a shift boss, a credit manager,

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and a count room manager;

(2) A supervisor of security employees, surveillance employees, accounting and auditing employees, and cashiers or count room employees; and

(3) Any employee whatsoever of a casino licensee so designated by the Commission.

(b) “Casino Employee” means an individual who is employed in the operation of a casino and who does not supervise other individuals employed in the casino and includes:

(1) A dealer, a security employee, count room employee, a cashier’s cage employee, a slot machine, employee, a slot booth employee and a surveillance employee, an audit and accounting employee and a data processing employee;

(2) Any other individual, including a maintenance employee and a food and beverage server, who has access to the casino; and

(3) Any employee whatsoever of a casino licensee so designated by the Commission.

(c) Every casino key employee and casino employee, except those approved by the Chairman, shall wear in a conspicuous manner their license credential issued by the Commission at all times while on duty in the casino area which includes without limitation the casino floor, cashier’s cage, courtrooms, eye-in-the-sky, and closed circuit television monitoring.

(d) No casino licensee shall permit any casino key employee or casino employee, except those approved by the Chairman, to work in the casino area without wearing of their license credential as required herein;

(e) Each casino licensee shall provide each such employee with a holder for the Commission license credential which shall contain the name of the hotel/casino complex, a photograph of the employee, the employee position and title shall numerically be controlled and shall permit the permanent display of the information contained on the license credential. Thirty days prior to the use of any such holder, a casino license or permittee shall submit a prototype to the Commission along with a narrative description of the proposed manner in which the employee will be required to wear such holder.

(f) In those situations where a license credential is lost or destroyed, a casino key or employee may be authorized to enter the casino area to perform employment duties so long as:

(1) The loss or destruction of the license is promptly reported in writing to the Commission;

(2) The employee applies for a new license credential; and

(3) Permission is received from a duly authorized Commission representative to do so.

(g) An application for renewal as a casino key employee or a casino employee shall be accompanied by an offer for continues employment by a casino operator, renewal of license shall be made annually from the date of issuance.

(h) All suppliers of the casino operators while conducting business within the premise shall wear in plain view an identification card that identifies the supplier. Supplier identification cards shall be issued by a casino operator shall be sequentially numbered and shall be approved by the Commission.

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(i) Each casino licensee shall provide adequate benefit for health insurance; sick and annual leave or similar coverage as provided by CNMI, civil service. In addition, pursuant to Section 15 of the Act, shall provide for compensation applicable to the laws of the CNMI.

(j) For any violation of this section, the Commission may impose the penalties authorized by the Act.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted quotation marks around terms defined. The Commission corrected the capitalization of, and struck extraneous quotation marks around, the words “supervises” in subsection (a) and “does not supervise” in subsection (b) pursuant to 1 CMC § 3806(f) and (g). The Commission corrected the capitalization of the words “casino” in subsections (a), (a)(3), (b), (b)(2), (b)(3), (c), (d), (e), (f), (g), (h), and (i), “thirty” in subsection (e), and “hotel/casino complex” in subsection (e)(1) pursuant to 1 CMC § 3806(f). The Commission corrected the spelling of the word “cashiers” in subsection (a)(2) and inserted a comma after the word “eye-in-the-sky” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 160-20.1-615 Application for Employee License

(a) An application for a casino employee license or casino key employee license shall be made by the applicant and addressed to the Executive Director and shall, accordingly to the application in questions:

- (1) Be in the prescribed form;
- (2) Be accompanied by the prescribed fee in respect thereof;
- (3) Specify the type of license applied for;
- (4) Specify from the prescribed list the type of work proposed to be performed by him as a licensee;
- (5) Contain or accompanied by the prescribed information and particulars with respect to the applicant;
- (6) Be accompanied by such other records, reports, documents, and writings relating to the applicant as may be prescribed;
- (7) Be forwarded to or lodged with the Executive Director;
- (8) Be accompanied by a letter from a casino operator addressed to the Executive Director stating that there are intends to employ the applicant (subject to appropriate case), upon the successful completion by the applicant from a training course in the type of work referred to or upon his being granted a license applied for; and
- (9) Be accompanied by a certificate in the prescribe form from the casino operator, that the applicant has successfully completed a training course approved pursuant to the Act or otherwise qualified experience.
- (10) Be accompanied by an affidavit sworn under penalty of perjury, by an affiant who holds at least a position of management within the casino licensee’s organization, with supporting documentation that affirms that the total amount of local employees, who are residents of the Municipality of Rota, are not less than 20%.

(b) It is condition precedent to consideration of an application for a license provided the applicant is agreeable to having photograph, fingerprinting, and palm prints taken.

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History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” in subsections (a), (a)(8), and (a)(9) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “documents” in subsection (a)(6) and “fingerprinting” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 160-20.1-620 Training Courses of Employees

(a) A casino operator shall provide for person(s) employed or to be employed in a casino, training courses relating to the playing of games, the conduct of games and associated activities in connection with the operations.

(b) All training courses shall be:

- (1) Conducted by the casino operator or, with the approval of the Commission, by the nominee of the casino operator; and
- (2) Of such content, format, and duration as approved by the Commission.
- (3) Offered, to the extent possible by the casino licensee, to prospective applicants of the Municipality of Rota and held at least one time at the actual casino site prior to opening.

(c) The successful completion of an approved training course is a prerequisite for:

- (1) The issuance of casino key employee license or a casino employee license; or
- (2) the approval of the Commission to making of an amendment (and such amendment being made) in a licensee in respect to the type of work performed or to be performed by the licensee and for employment of the licensee in the type of work specified in the license, either in the first instance pursuant to the amendment, unless the licensee is qualified by the experience, satisfactory to the Commission, appropriate to the type of work to be performed by him as a licensee.

(d) A casino operator may conduct gaming on a simulated basis for the purpose of training employees, testing gaming equipment, and gaming procedures and demonstrating the conduct and playing of games provided:

- (1) He has obtained the prior approval of the Commission; and
- (2) Monitored by the Commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” in subsections (a), (b)(1), (c)(1), and (d) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “format” in subsection (b) and “equipment” in subsection (d) pursuant to 1 CMC § 3806(g).

Part 700 - Casino Facilities

§ 160-20.1-701 Impact of the Facilities

(a) General Provision - The casino licensee and the conditional casino licensee shall comply with the minimum investment of twenty-five million dollars as set forth in the Act. Complete

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plans for such investment or phased investment thereof, should be submitted to the Commission as part of its overall application requirements.

- (b) No casino license shall be issued unless the Commission shall have been first satisfied that:
- (1) The Casino, its related facilities, and its proposed location are suitable;
 - (2) The proposed facilities comply in all respects with all requirements of the rules and regulations.
 - (3) The proposed facilities comply in all respects with all CNMI laws.
 - (4) The facility for the patron market is adequate.
 - (5) The proposals will not adversely affect overall environmental, economic, social, demographic competitive conditions or natural resources of Rota.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The initial paragraph was an introduction to part 700 in the original regulation. The Commission moved it to subsection (a) of this section pursuant to 1 CMC § 3806(a). The Commission corrected the capitalization of the words “twenty-five million dollars” in subsection (a), “casino” in subsection (b) and (b)(1), and “rules and regulations” in subsection (b)(2) pursuant to 1 CMC § 3806(f). The Commission struck the figure “\$25,000,000.00” in subsection (a) pursuant to 1 CMC § 3806(e). The Commission inserted a comma after the word “facilities” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 160-20.1-705 The Casino Complex

No casino license shall be issued unless the casino shall be located within casino licensee proposed*:

- (a) Is under one ownership either sole proprietorship, partnership, or corporation;
- (b) Contains closed circuit television system;
- (c) Contains specifically designated and secure areas for the inspection, repair, and storage of gaming equipment;
- (d) Contains a count room and such other secure facilities for the inspection, counting and storage of cash, coins, tokens, checks, dice, cards, chips, and other representative of value;
- (e) Contains such facilities in the ceiling of the casino room commonly referred to as an “eye-in-the-sky” appropriate to permit direct overhead visual surveillance of all gaming therein; provided, however, that the Commission may exempt from its requirements any casino room in any building if its satisfied that same contains an acceptable approved alternative and that such exemption would not be inimical to Commission;
- (f) Contains a specially designated office, located on the casino floor, for the exclusive use by the Commission for administrative and regulatory purposes.

* So in original.

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History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” in the initial paragraph and subsection (e) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “partnership” in subsection (a) and “repair” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 160-20.1-710 Declaratory Rulings as to Proposed Casino Facilities

(a) Upon the petition of any persons who owns, has a contract to purchase or construct, lease or has agreement to lease any building or site located within the limits of Rota and who intends to and is able to complete a proposed casino facility therein or thereon, the Commission may in its discretion make a declaratory ruling as to whether or not in conformance of the proposed casino facility.

(b) It shall be the affirmative responsibility of each such petitioner to file all information, documentation and assurances material to be requested declaratory ruling in such form as is required of an applicant for a casino license, which may include filing a completed “casino facility statement.”

(c) The Commission shall afford the interested parties an opportunity for hearing upon any petition for a declaratory ruling us to proposed casino facility.

(d) A declaratory ruling as to proposed casino facility shall bind the Commission as the parties to the proceeding on the statement of the facts set forth therein and shall deemed a final action provided, however, that no casino license shall be issued concerning any such casino facility unless compliance with every requirements of the Act and regulations of the Commission as of the time of the issuance of such license shall have first been established.

(e) No petition for a declaratory ruling shall be accepted by the Commission unless the petitioner shall have first been paid in full a fee of not less than two thousand five hundred dollars and in such further amount as the Commission may in its discretion, deem reasonable, proper, and appropriate in relation to the operating expenses of the Commission in considering the petition.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “casino” in subsections (a), (b), and (d), and “two thousand five hundred dollars” in subsection (e) pursuant to 1 CMC § 3806(f). The Commission moved punctuation inside quotation marks in subsection (b) pursuant to 1 CMC § 3806(g). The Commission inserted a comma after the word “proper” in subsection (e) pursuant to 1 CMC § 3806(g).

§ 160-20.1-715 Duty to Maintain and Operate a Superior Quality Facility

Every casino licensee shall have a continuing duty to maintain and operate its entire casino complex of a superior quality as first approved by the Commission, to submit the said complex to periodic inspection by the Commission, and to promptly comply with all the requirements and

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the directives of the Commission relating to the maintenance and operation of the said complex.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “casino” and “licensee” pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word “commission” pursuant to 1 CMC § 3806(g).

§ 160-20.1-720 Leases of Casino Complex or of Casino

(a) Subject to this Act, a casino licensee may subject to the prior approval of the Commission, lease to another person:

- (1) The casino complex; or
- (2) The casino.

(b) An application to lease shall be made by the casino licensee to the Commission in the prescribed form and shall be accompanied by a draft of the proposed lease; full details of the proposed lessee and such other particulars as may be prescribed.

(c) The Executive Director may require the casino licensee or the proposed lessee to undergo additional investigations and provide further information, documents, or other writings considered necessary to meet the underlying requirements of this act and enable the Executive Director to make the recommendation to the Commission for approval.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “casino” in subsections (a), (a)(1), (a)(2), (b), and (c), and “licensee” in subsection (a) pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word “documents” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 160-20.1-725 Casino Management Agreement

(a) Subject to this Act, a casino licensee under a casino lease may, subject to the prior approval of the Commission, enter into casino management agreement with another person for the management by that other person of:

- (1) The casino complex
- (2) The casino.

(b) An application to enter into such agreement shall be made by the casino licensee or the lessee under the casino lease to the Executive Director in the prescribed form and shall be accompanied by a draft of the proposed agreement. Full details of the other party to the proposed agreement and such other particulars as may be prescribed must be provided.

(c) The Executive Director may require the Casino licensee, the lessee under the lease, or the other party to the proposed agreement to undergo additional investigations and provide further information, or documents or other writings to enable the Executive Director to make a

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recommendation to the Commission for approval.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “casino” in subsections (a), (a)(1), (a)(2), (b), and (c), and “complex” in subsection (a)(1) pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word “lease” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 160-20.1-730 Mortgage and Assignment of Casino License, Etc.

(a) A casino licensee shall not mortgage, charge, or otherwise encumber; a casino license, a casino complex to which the casino license is related or the rights and benefits under the agreement in question without the consent of the Commission.

(b) Where the mortgagee wishes to enforce his security under the mortgage, charge, or other encumbrance pursuant to his rights there under;

(1) The casino license and the rights, benefits, and obligations under the relevant agreement, shall be assigned only to the person approved by the Commission;

(2) Any receiver and manager appointed shall be a person approved by the Commission.

(c) As a condition precedent to the approval by the Commission, the Commission may require that the further agreement in writing be entered into between;

(1) The Executive Director for and on behalf of the Commission and the proposed assignee; or

(2) The Executive Director for and on behalf of the Commission and some other person whom the Commission considers to be appropriate person to be a party to the agreement with a view to the assignment or the casino license to the proposed assignee containing such terms and conditions with respect to the assignment and the proposed assignee as the Commission thinks fit;

(d) Any such further agreement shall have no force or effect unless and until approved by the Commission.

(e) Prior to any approval by the Commission, the Executive Director shall cause to be undertaken such investigation as are necessary to saw the Commission. The Commission shall also require the proposed person and all persons not associated or connected or to be associated or connected in the opinion of the Executive Director, with the ownership, administration, or management of the operations or business of the proposed person to satisfy the Commission that such proposed persons and such persons are suitable persons to be associated or connected with the management and operations of a casino complex or casino. The cooperation and assistance of the Federal Bureau of Investigation, Interpol, and other jurisdictions investigative agencies may be sought were* appropriate as determined by the Commission.

(f) Upon a casino license being assigned, the assignee is the casino licensee in respect of the casino license in question, and the Executive Director shall cause the license to be amended to show the name of the assignee, date of assignment, and such other particulars as may be

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prescribed; and the license shall be made available to the Executive Director for the purpose of amendment accordingly.

(g) A decision by the Commission to approve or not to approve of a person pursuant to the rules and regulations is final and conclusive.

* So in original.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “casino” in subsection (a), (b)(1), (c)(2), (e), and (f), and “rules and regulations” in subsection (g) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “charge” in subsections (a) and (b), “benefits” in subsection (b)(1), “administration” and “Interpol” in subsection (e), and “assignment” in subsection (f) pursuant to 1 CMC § 3806(g).

Part 800 - Persons Required to be Qualified

§ 160-20.1-801 Casino Licenses

No casino license shall be issued unless the individual qualifications of each of the following persons shall have first been established pursuant to the Act and the rules and regulations and that:

(a) Each applicant applying for a casino license in accordance with the casino license standards as set forth in the Act and this rules and regulations.

(b) Each of the following financial source, either in effect or proposed, on the submitted casino proposal in this rules and regulation include:

- (1) Each financial backer;
- (2) Each investor;
- (3) Each mortgagee;
- (4) Each bond holder, and
- (5) Each holder of debenture, notes, or other evidence of indebtedness, either in effect or proposed.

(c) Each of the following persons of every corporate applicant for a casino license and of every corporate holding company of and corporate intermediary company of every corporate applicant for a casino license in accordance with the casino key employee standards shall include:

- (1) Each officer;
- (2) Each director;
- (3) Each person who directly or indirectly holds any beneficial interest or ownership of the securities issued by the corporation;
- (4) Any person who in the opinion of the Commission has the ability to control corporation or elect a majority of the board of directors of that corporations, other than a banking or other licensed lending institution which holds a mortgage or other lien acquired in the ordinary cause

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of the business;

(5) Each principal employee; and
(6) Any lender, underwriter, agent, or employee of the corporation whom the Commission may consider appropriate for approval or qualification.

(d) In the case of a publicly-traded corporate holding company of a corporate applicant for a casino license, the individual qualifications may be waived as to:

(1) Any such person of the publicly-traded corporate holding company who is not significantly involved in the activities of the corporate applicant for the casino license; and

(2) Any such security holder of a publicly-traded corporate holding company who does not have the ability to elect a director of or to control the said holding company.

(e) Each of the following persons of every non corporate applicant for a casino license and of every corporate intermediary company of every corporate applicant for a casino license in accordance with the casino key employee standards:

(1) Each person who directly or indirectly holds any beneficial interest or ownership in the applicant for the casino license;

(2) Each person who in the opinion of the Commission has the ability to control the applicant for the casino license; and

(3) Each person whom the Commission may consider appropriate for approval or qualifications.

(f) In the case of a municipal or state applicant for any casino license, the following shall be provided:

(1) an enabling legislation or local law which allows the municipality or state applicant to engage in a casino industry venture.

(2) a casino management agreement, which is subject to the commission's approval.

(3) a financial disclosure for each public official or staff thereof who participates in the promulgation of the enabling legislation or local law and who has any direct or indirect interest or ownership in any casino license or management agreement as determined by the commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words "casino" in the introductory paragraph, subsections (a), (b), (c), (d), (d)(1), (e)(1), and (e)(2), and "rules and regulations" in the introductory paragraph and subsection (a) pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word "agent" in subsection (c)(6) and corrected the spelling of the word "license" in subsection (f) pursuant to 1 CMC § 3806(g).

§ 160-20.1-805 Casino Service Industry Licenses

(a) No casino service industry license shall be issued unless the individual qualification of each of the following persons shall have first been established in accordance with all provisions, including those cited in the Act and of the rules and regulations.

(b) In the case of the casino service industry licenses issued in accordance with the rules and

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regulations of the Commission:

- (1) Each such casino service industry enterprise, its owners, its management personnel, its supervisory personnel, and its principal employees in accordance with the casino employee standards; and
- (2) Each employee of such casino service industry school teaching gaming or playing or dealing techniques shall be in accordance with the casino employee standard.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections (a) and (b). The Commission corrected the capitalization of the words “casino” in subsections (a), (b), (b)(1), and (b)(2), and “rules and regulations” in subsection (a) pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word “personnel” in subsection (b)(1) pursuant to 1 CMC § 3806(g).

§ 160-20.1-810 Employee Licenses

No employee license shall be issued unless, the individual qualifications of the natural person applying thereof, shall have first been established in accordance with the standards of the Act and of this rules and regulations.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” pursuant to 1 CMC § 3806(f).

Part 900 - Standards for Qualifications

§ 160-20.1-901 Scope

License shall be issued to any person qualified in accordance with the standards applicable to the said person as set forth in the rules and regulations.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” pursuant to 1 CMC § 3806(f).

§ 160-20.1-905 Casino and Employee Licensee Standards

(a) General and Affirmative Criteria:

- (1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence his individual qualifications, and for a casino licensee the qualifications of each person who is required to be qualified under this rules and regulations;
- (2) Any applicant or licensees shall provide all information required and satisfy all requests for information pertaining to qualification;
- (3) All applicants and licensees shall have the continuing obligation to provide any assistance or information required and to cooperate in any inquiry or investigation conducted by the

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Commission;

(4) Each applicant shall produce such information, documentation, and assurances concerning financial background and resources as may be required to establish by clear and convincing evidence the financial stability and integrity of the applicant including but not limited to bank references, business and personal income, tax returns, and other reports filed with governmental agencies;

(5) Each applicant shall produce such information, documentation, and assurances as may be necessary to establish by clear and convincing evidence the integrity of all financial backers, investors, mortgagees, bondholders and holders of indentures, notes or other evidence of indebtedness either proposed or in effect. The integrity of financial sources shall be judged upon the same standards as the applicant. The applicant shall produce whatever information documentation and assurances as may be required to establish the adequacy of financial resources to both construct and operate the hotel/casino complex;

(6) Each applicant shall produce such information, documentation, and assurances as may be required to establish by clear and convincing evidence the applicant's good character, honesty, and integrity. Such information shall include but not be limited to family habits, character, reputation, criminal and arrest record, business activities, financial affairs, professional and business associates covering a five year period immediately preceding the filing of the application; and

(7) Each applicant shall produce such information, documentation, and assurances to establish by clear and convincing evidence that the applicant has sufficient business ability and casino experience to establish the likelihood of the creation and maintenance of a successful casino operation.

(b) Disqualification Criteria

The Commission shall deny a casino license to any applicant who is disqualified on the basis of the following:

(1) Failure of the application to prove by clear and convincing evidence that the applicant is qualified in accordance with the provisions of the Act and the rules and regulations.

(2) Failure of the applicant to provide information, documentation, or assurances requested by the Commission or failure of the applicant to reveal any fact material to qualification or the supplying of information which is untrue or misleading as to any material fact.

(3) Conviction of the applicant or any person required to be qualified, of any offenses in any jurisdiction which would be:

- (i) 6 CMC 1101 Murder
- (ii) 6 CMC 1203 Aggravated Assault and Battery
- (iii) 6 CMC 1301 Rape
- (iv) 6 CMC 1309 Rape by object
- (v) 6 CMC 1311 Sexual Abuse of a child
- (vi) 6 CMC 1323 Child pornography
- (vii) 6 CMC 1411 Robbery
- (viii) 6 CMC 1421 Kidnapping
- (ix) 6 CMC 1432 Usurping control of aircraft
- (x) 6 CMC 1433 Mutiny on a vessel
- (xi) 6 CMC 1601(b)(1) Theft of property or services

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- (xii) 6 CMC 1603 Theft by deception
- (xiii) 6 CMC 1604 Theft by extortion
- (xiv) 6 CMC 1606 Receiving stolen property
- (xv) 6 CMC 1607 Theft of services
- (xvi) 6 CMC 1608 Theft by failure to make required disposition of funds received
- (xvii) 6 CMC 1701 Forgery
- (xviii) 6 CMC 1705 Deceptive business practices
- (xix) 6 CMC 1707 Counterfeiting
- (xx) 6 CMC 1802 Arson and related offenses
- (xxi) 6 CMC 2141(a) and (b)(1) Offenses and penalties for illegal drug use
- (xxii) 6 CMC 2143 Commercial offenses-drugs offenses
- (xxiii) 6 CMC 2144 Fraud offenses-manufacture/ distribution penalties
- (xxiv) 6 CMC 2145 Attempt and conspiracies drug offenses
- (xxv) 6 CMC 2147 Distribution to persons under 18
- (xxvi) 6 CMC 3155 Gambling offenses prohibited
- (xxvii) 6 CMC 3201 Bribery
- (xxviii) 6 CMC 3302 Obstructing justice
- (xxix) 6 CMC 3303 Obstructing justice-interference of services
- (xxx) 6 CMC 3304 Tampering with judicial records or process
- (xxxi) 6 CMC 3305 Tampering with jury
- (xxxii) 6 CMC 3366 Perjury

(4) Any other offenses under CNMI, federal law, or any other jurisdiction which indicates that licensure of the applicant would be inimical to the policy of the Commission and to casino operations; however, that the automatic disqualification provisions of the subsection shall not apply with regard to any conviction which did not occur within the ten year period immediately proceeding* the application for licensure or any conviction which has been the subject of a judicial order of expungement or sealing.

(5) Current prosecution or pending charges in any jurisdiction of the applicant or of any person who is required to be qualified under this regulation for any of the offenses enumerated above; provided, however that at the request of the applicant or person charged, the Commission shall defer discussion upon such application during the pendency of such charge.

(6)(i) The identification of the applicant or any person who is required to be qualified under this regulation as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates a reasonable belief that the association is of such a nature as to be inimical to the policies of the rules and regulations and a casino operations.

(ii) For purposes of this section, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal of the public policy of the Commonwealth. A career offender cartel shall be defined as any group of persons who operate together.

(7) The applicant or any person who is required to be qualified under the rules and regulations as a condition of a casino license of any act or ads which would constitute any offense under subsections (b)(3) or (b)(4) above, even if such conduct has not or may not be prosecuted under the criminal laws of the CNMI.

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History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission divided subsection (b)(3) into subsections (b)(3)(i) through (b)(3)(xxxii) and divided subsection (b)(6) into subsections (b)(6)(i) and (b)(6)(ii) pursuant to 1 CMC § 3806(a). The Commission corrected the capitalization of the words “casino” in subsections (a)(1), (a)(5), (a)(7), (b)(4), (b)(6)(i), and (b)(7), “rules and regulations” in subsections (a)(1), (b)(1), (b)(6)(1), and (b)(7), “federal law” in subsection (b)(4), and “hotel” in subsection (a)(5) pursuant to 1 CMC § 3806(f). The Commission struck the figures “5” from subsection (a)(6) and “10” from subsection (b)(4) pursuant to 1 CMC § 3806(e). The Commission inserted commas after the words “documentation” in subsections (a)(4), (a)(5), (a)(7), and (b)(2), “returns” in subsection (a)(4), “honesty” in subsection (a)(6), and “law” in subsection (b)(4) pursuant to 1 CMC § 3806(g).

§ 160-20.1-910 Casino Patrons (Prohibition on Play)

(a) The Commission finds it necessary to pass this prohibition to protect the welfare of individuals, promote the welfare of the community, minimize social ills and criminality, and promote fiscal responsibility. It is also necessary to maintain the perception and integrity of the casino industry. Accordingly, the casino operator, shall implement systematic rules and procedures, approved by the commission, to ensure that the following individuals are prohibited from playing in the casino:

- (1) Individuals under 18 years of age;
- (2) Individuals who appear to be intoxicated;
- (3) Individuals who appear to be addicted to gambling, and the casino operator shall implement policies and procedures designed to identify individuals exhibiting behavior evidencing a problem with gambling;
- (4) Members or employees of the Commission, except in casino games where game wins are not treated as gross gaming revenue by the commission, in a jurisdiction where taxes are collected by the commission.
- (5) Officers, directors, or partners of the casino operator and the casino management company, except in casino games where game wins are not treated as gross gaming revenue by the commission.
- (6) Gaming assistants, casino key employees, casino employees or casino clerks of the casino operator, except in casino games where game wins are not treated as gross gaming revenue by the commission.
- (7) Any person who is a current recipient of any welfare federal or local assistance based on low-income such as food stamp recipients.

(b) No casino operator shall permit gaming equipment to be used for the playing of games of chance in the casino if the equipment has, in any way, been marked or tampered with so that it could affect the outcome of the games or their payouts.

(c) No casino operator shall permit any electrical, mechanical, telecommunications or other device, including a calculator or a computer, to be used in playing of games of chance in the Casino if the device could assist projecting the outcome of a game or could keep track of cards that have been dealt, changing probabilities or playing strategies being used in a game.

(d) No casino operator shall permit patron use of cameras, photographic equipment, or video

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cameras within the casino or its confines.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “casino” in subsection (a), (a)(3), (a)(5), (a)(6), (b), (c), and (d), and “casino management company” in subsection (a)(5) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “criminality” in subsection (a), “directors” in subsection (a)(5), and “equipment” in subsection (d) pursuant to 1 CMC § 3806(g). The Commission inserted periods at the ends of subsections (a)(5) and (a)(6) pursuant to 1 CMC § 3806(g).

§ 160-20.1-915 Security Clearance

(a) The members of the Commission, Executive Director, and designated employees of the Commission shall be subject to a Level III security clearance as set out in subsection (b)(3) below.

(b) Registered suppliers and gaming assistant shall be subject to one of the following levels of security clearance determined by the Commission:

(1) Level I - persons subject to this level of security clearance shall not have access to sensitive or strategic information and shall not hold a supervisory position;

(2) Level II - persons subject to this level of security clearance may hold positions of trust, have access to assets, sensitive information, or both and may hold a supervisory position: and

(3) Level III - persons subject to this level of security clearance may hold senior positions of trust have direct access to cash and assets and may have knowledge of both sensitive and strategic information and may supervise employees.

(c) All other persons shall supply information necessary to conduct an investigation in order to have a security clearance.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “clearance” in subsection (b) pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word “information” in subsection (b)(2) pursuant to 1 CMC § 3806(g).

Part 1000 - Statement of Compliance

§ 160-20.1-1001 General Provisions

The Commission may, in its sole and absolute discretion, issue a Statement of Compliance to an applicant for any licenses certifying that all requirements relating to a particular specified eligibility criterion or stage in the license consideration process have been complied with at any time the Commission is satisfied that any such requirements have been established by the applicant in accordance with the Act and the rules and regulations.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” pursuant

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to 1 CMC § 3806(f).

§ 160-20.1-1005 Petitions

(a) A request for a Statement of Compliance shall be initiated by a petition. One copy signed by the petitioner and six conformed copies of the petition shall be filed with the Commission. The petition shall include, at a minimum, the following items:

- (1) The eligibility criteria for which the Statement of Compliance is requested;
- (2) The person(s) whose compliance is requested to be considered;
- (3) The facts and circumstances underlying the request, including the reason for the request; and
- (4) Subject to the limitations contained in section 160-20.1-1025, the period for which the Statement of Compliance is requested to be effective.

(b) Each petition for a Statement of Compliance must also contain the following undertakings:

- (1) Petitioner understands that any Statement of Compliance issued pursuant to the petition is revocable by the Commission;
- (2) Petitioner understands that any Statement of Compliance issued pursuant to the petition does not create a property right in the petitioner;
- (3) Petitioner understands that the issuance of a Statement of Compliance is not an issuance of a license; and
- (4) Petitioner understands that no license shall be issued unless every qualification as of the time of the issuance of a license shall have first been established in accordance with the Act and the rules and regulations.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission struck the figures “1” and “6” from subsection (a) pursuant to 1 CMC § 3806(e). The Commission corrected the capitalization of the words “rules and regulations” in subsection (b)(4) pursuant to 1 CMC § 3806(f).

§ 160-20.1-1010 Filing Date

A petition requesting a Statement of Compliance may be filed at the time of or subsequent to the filing of a License Application. However, no petition shall be considered until the Commission or designated individual has completed its investigation of matter(s) which the Statement of Compliance is requested to address.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

§ 160-20.1-1015 Petition Filing Fee and Investigation Costs

(a) Except as otherwise provided herein, all fees and costs incurred in conjunction with the investigation of any petition for a Statement of Compliance must be paid by the petitioner.

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- (b) Each petition for a Statement of Compliance must be accompanied by a non-refundable filing fee in the amount of two thousand five hundred dollars.
- (c) In addition to the non-refundable filing fee, the Commission may require a petitioner to pay such supplementary investigative fees and costs as may be determined by the Commission. At any time or times during the pendency of a petition, the Commission may estimate the supplementary investigative fees and costs and require a deposit or deposits to be paid by the petitioner in advance as condition for continuing the investigation.
- (d) The Commission will not take final action on a petition unless all filing and investigative fees and cost have been paid in full. It shall be grounds for denial of the petition if the petitioner has failed or refused to pay all filing and investigative fees and costs required hereunder.
- (e) After all supplementary investigative fee and costs have been paid by a petitioner, and after all actions on behalf of the Commission have been taken with respect to the petition, the Commission shall refund to the person who made the required deposit any balance remaining in the investigative account of the petitioner.
- (f) Upon final action on the petition, the Commission shall give to the petitioner an itemized accounting of the investigative fees and cost incurred.
- g) The Commission may, in its sole and absolute discretion, waive payment of any investigative fee or cost.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission struck the figure “\$2,500.00” from subsection (b) pursuant to 1 CMC § 3806(e). The Commission corrected the capitalization of the word “two thousand five hundred dollars” in subsection (b) pursuant to 1 CMC § 3806(f).

§ 160-20.1-1020 Hearing

All hearings pursuant to a petition for a Statement of Compliance shall be subject to section 160-20.1-2001.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d).

§ 60-20.1-1025 Effective Periods

- (a) A Statement of Compliance shall be effective upon payment of the fee provided under subsection 160-20.1-1015(b) and shall expire according to the terms contained therein or until revoked by the Commission; provided, however, the effective period of a Statement of Compliance shall not exceed one year.

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(b) A Statement of Compliance may be revoked by the Commission upon a finding that a change of circumstances has affected such compliance, that the subject of the statement has otherwise failed to qualify for licensure, that the subject of the statement has failed to comply with any conditions imposed by the Commission or that any other reason for revocation exists.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission struck the figure “1” from subsection (a) pursuant to 1 CMC § 3806(e).

§ 160-20.1-1030 Statement of Compliance Fee

(a) Upon the issuance of Statement of Compliance for an application of a casino license the full amount of the annual license fee shall be paid by the petitioner.

(b) The fee shall be prorated for any effective period specifically described in the Statement of Compliance if less than one year. The fee shall not be refunded if the Statement of Compliance is revoked by the Commission.

(c) The total fee shall be reduced by the amount of the filing fee paid by the petitioner under section 160-20.1-1015(b).

(d) If a casino license is issued prior to the expiration of the effective period of the Statement of Compliance, a prorated portion of the fee shall be applied to the annual license fee.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” in subsections (a) and (d) pursuant to 1 CMC § 3806(f). The Commission struck the figure “1” from subsection (b) pursuant to 1 CMC § 3806(e).

§ 160-20.1-1035 Contents

Every Statement of Compliance shall:

(a) Specify the particular criterion or stage complied with and indicate that such applicant has qualified for licensure in relation to the criterion or stage specified;

(b) Set forth, its date of issuance, the date as of which such compliance existed;

(c) Set forth its date of expiration;

(d) Indicate that it may be revoked by the Commission upon a finding that a change of circumstances has affected such compliance, that the applicant has otherwise failed to qualify for licensure, that the applicant has failed to comply with any conditions imposed by the Commission or that any other reason for revocation exists;

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- (e) Indicate that it does not create a property right in the recipient;
- (f) Indicate that it is not a license; and
- (g) Indicate that no license shall be issued unless every qualification as of the time of the issuance of a license shall have first been established in accordance with the Act and rules and regulations.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” in subsection (g) pursuant to 1 CMC § 3806(f).

§ 160-20.1-1040 Issuance of Licenses

No license shall be issued unless all qualification requirements are met in accordance with the Act and the Rules and Regulations and a statement of compliance has been issued by the commission, deeming the application complete.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” pursuant to 1 CMC § 3806(f).

§ 160-20.1-1045 Persons to be Qualified

Nothing in parts 800 and 900 shall limit or define the types of persons who must be found suitable or qualified under the Act or the rules and regulations.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the words “rules and regulations” pursuant to 1 CMC § 3806(f).

Part 1100 - Information

§ 160-20.1-1101 Affirmative Responsibility to Establish Qualifications

It shall be the affirmative responsibility and continuing duty of each applicant and licensee to produce such information, documentation, and assurances as may be required to establish by clear and convincing evidence his qualifications in accordance with the rules and regulations.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word “documentation” pursuant to 1 CMC § 3806(g).

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§ 160-20.1-1105 Duty to Disclose and Cooperate

It shall be the affirmative responsibility and continuing duty of each applicant, licensee, and person required to be qualified to provide all information, documentation, and assurances pertaining to qualifications required or requested by the Commission and to cooperate with the Commission in the performance of its duties. Any refusal by any such person to comply with a formal request for information, evidence, or testimony shall be a basis for denial, revocation, or disqualifications.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted commas after the words “evidence” and “revocation” pursuant to 1 CMC § 3806(g).

§ 160-20.1-1110 Disposition of Property of a Casino Applicant or Licensee

It shall be an affirmative responsibility of each casino applicant or licensee to submit to the Commission a copy of all agreements regarding the lease or purchase of, or the option to lease or purchase, any property in Rota, or any affiliate of the applicant or licensee.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” pursuant to 1 CMC § 3806(f).

§ 160-20.1-1115 Duty to Promptly Furnish Information

It shall be the duty of each applicant or licensee to promptly furnish all information, documentation, assurances, consents, waivers, fingerprint impressions, photographs, handwriting exemplars, or other materials required or requested by the Commission. Any request of information by the Commission shall be submitted at a reasonable time determined by the Commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted a comma after the word “exemplars” pursuant to 1 CMC § 3806(g).

§ 160-20.1-1120 Inspection, Monitoring, and Periodic Investigations

As stipulated in the Act on Section 6 subsection (e), that the Commission or its authorized representatives may inspect and monitor at any time, the licensed premises, of a licensed casino, including a licensed casino service provider. The commission must investigate, not later than 3 years after the commencement of operations in a casino, and thereafter at intervals not exceeding 5 years as follows:

(a) whether or not the casino licensee and operator is a suitable person to continue to hold a

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casino license;

(b) whether or not the casino licensee or operator is complying with this regulation, the Act and any subsequent amendments of those Acts and regulations;

(c) whether or not the casino licensee or operator is complying with the casino management agreement and conditional licensee requirements set by the commission;

(d) whether or not the casino licensee, casino operator, or casino service industry providers are complying with all agreements which are required under this regulation and Act and any subsequent amendments to those regulations and Act;

(e) whether or not it is in the public interest that the casino licensee, casino operator, or casino service providers should continue in force.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” in the introductory paragraph pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word “operator” in subsections (d) and (e) pursuant to 1 CMC § 3806(g).

§ 160-20.1-1125 Waiver of Liability for Disclosure of Information

Each applicant, licensee, and person required to be qualified shall, in writing, waive liability to the Commission and its instrumentalities and agents for any damages resulting from any disclosure or publication of any during any inquiries, investigations, or hearings.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted a comma after the word “investigations” pursuant to 1 CMC § 3806(g).

§ 160-20.1-1130 Consent to Examination of Accounts and Records

Each applicant and licensee shall, in writing consent to the examination of all accounts, bank accounts, and records in his possession or under his control and authorize all third parties in possession or with control of such accounts or records to allow such examination thereof as may be deemed necessary by the Commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted a comma after the word “account” pursuant to 1 CMC § 3806(g).

§ 160-20.1-1135 Fingerprinting

Each applicant, licensee, and person required to be qualified shall be fingerprinted in duplicate on fingerprint impression card forms provided by the Commission. One of the said forms shall

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be filed with the Commission and one shall be filed with the Municipal Police Department.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission struck the figure “1” pursuant to 1 CMC § 3806(e).

§ 160-20.1-1140 Photographing

Each applicant, licensee, and person required to be qualified shall be photographed in duplicate. One set of the said photographs shall be filed with the Commission and one shall be filed with the Municipal Police Department.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission struck the figure “1” pursuant to 1 CMC § 3806(e).

§ 160-20.1-1145 Handwriting Exemplars

Each applicant, licensee, intermediary company, holding company, and person required to be qualified shall, in writing, consent to the supplying of handwriting exemplars in the form and manner directed upon the request of the Commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted a comma after the word “company” pursuant to 1 CMC § 3806(g).

§ 160-20.1-1150 Oath of Affirmation and Attorney Certification

All applicant, registration, business enterprise disclosure, and personal history disclosure forms and all other papers relating thereto submitted to the Commission by or on behalf of an applicant shall be sworn to or affirmed and subscribed and dated by the applicant and, if different, the author of the said form or paper before a person legally competent to take an oath or affirmation, who shall himself subscribe and date the signature of the affiant and indicate the basis of his authority to take oaths or affirmations. The following statement shall immediately precede the signature of the affiant:

“I swear (or affirm) under penalty of perjury that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to loss of licensure and forfeiture of any and all fees paid including civil and criminal prosecution.” The affiant, if requested shall again swear to or affirm and subscribe and date any such paper in the presence of a representative of the Commission. All such forms and papers shall also be signed by the applicant’s attorney of record, if any, which shall constitute a certification by him that he has read the said paper and that, to the best of his knowledge, information and behalf, its contents are true.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

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Commission Comment: The Commission inserted a comma after the word “disclosure” pursuant to 1 CMC § 3806(f). The Commission moved a period inside quotation marks pursuant to 1 CMC § 3806(g).

§ 160-20.1-1155 Untrue Information

The Commission shall deny a license or registration to any applicant who shall supply information to the Commission which is untrue or misleading as to a material fact pertaining to the qualifications criteria.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

§ 160-20.1-1160 Signatures

All application, business enterprise disclosure and personal history disclosure forms shall be signed by each of the following persons:

- (a) If a corporation, by its president, its chairman of the board, any other chief executive officer thereof, its secretary, and its treasurer;
- (b) If a partnership, by each of its partners; if a limited partnership, only by each of its general partners;
- (c) If of any other business enterprise, organization or association or of a governmental agency, by its chief executive officer, its secretary, and its treasurer; and
- (d) If of a natural person, by the person himself.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted commas after the words “disclosure” in the introductory paragraph and “secretary” in subsections (a) and (c) pursuant to 1 CMC § 3806(g).

§ 160-20.1-1165 Form of Signature

All signature shall be signed in blue ink and dated on all original papers, but may be photographed, typed, stamped, or printed on any copies of such papers. The name and address of the signatory shall be typed, stamped, or printed beneath each signature.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted a comma after the word “stamped” pursuant to 1 CMC § 3806(g).

§ 160-20.1-1170 Form of Application

Each applicant, licensee, or person required to be qualified shall provide all information in a form specified by the Commission and shall complete and submit all appropriate application, registration, business enterprise disclosure, and personal history disclosure forms as directed by

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the Commission. Application forms are not reproduced herein, but can be obtained from the address below. Application form for a casino applicant shall be charged five thousand dollars. Application form for a casino gaming service industry applicant shall be charged one thousand dollars and for a casino non-gaming service applicant shall be charged two hundred dollars.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of “casino, ““five thousand dollars,” “casino gaming service,” “one thousand dollars,” and “two hundred dollars” pursuant to 1 CMC § 3806(f). The Commission struck the figures “\$5,000.00,” “\$1,000.00,” and “\$200.00” pursuant to 1 CMC § 3806(e). The Commission inserted a comma after the word “disclosure” pursuant to 1 CMC § 3806(g).

§ 160-20.1-1175 Numbers of Copies

- (a) All original applications and other original papers relating thereto submitted to the Commission by the applicant shall be accompanied by one original and six conformed copy.
- (b) Additional conformed copies of any such papers shall be supplied upon request by the Commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission struck the figures “1” and “6” in subsection (a) pursuant to 1 CMC § 3806(e).

Part 1200 - Fees and Deposits

§ 160-20.1-1201 General Description of Fees and Deposit Policy

- (a) Initial funding by the Commission shall be funded from appropriation from the CNMI or municipal general appropriation funds in accordance to section 16(b) of the Act. The Commission shall establish, by rules and regulation, fees for the application issuance and renewal of all licenses pursuant to the Act;
- (b) The differing treatment of these license categories reflects a recognition and judgment that casino applicants and licensees benefit directly or indirectly from all aspects of the regulatory process and are best suited to bear the largest share of the costs incurred by the Commission in implementing that process. Moreover, the actual cost of investigation and considering applications for individual employee licenses and casino service industry licenses may exceed the amount which those applicants and licensees may fairly be required to pay as fees. The fee structure established by these rules and regulations is designed to respond to these policies and problems.
- (c) To the extent reasonably possible, each applicant or licensee should pay the investigatory or regulatory costs attributable to their application or license.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

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Commission Comment: The Commission corrected the capitalization of “rules and regulations” in subsections (a) and (b) and “casino” in subsection (b) pursuant to 1 CMC § 3806(f).

§ 160-20.1-1205 Fiscal Years

For purpose of this subchapter, a fiscal year shall be the period commencing on October 1 and ending the subsequent September 30.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

§ 160-20.1-1210 License Renewal General Provisions

(a) All classes of gaming licenses, except casino licenses which remain in force until cancelled, suspended, or surrendered, are subject to renewal as provided herein. All classes of gaming licenses, other than a casino license, must be renewed before the expiration of the current license.

(b) Any license, other than a casino license, which is not renewed prior to expiration, will be considered as forfeited. Reinstatement of such a forfeited license will require processing as a new license application including payment of the proper fees associated with initial license issuance as prescribed herein.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

§ 160-20.1-1215 Payment of Fees and Deposits

(a) No application shall be accepted for filing or processed by the Commission except upon the proper and timely payment of all required fees and deposits in accordance with the Act and these rules and regulations. Any portion of an application fee or deposit which is incurred or determined after the filing of the application or which estimated in accordance with this subchapter shall be payable upon demand made by the Commission. Failure to promptly remit any amount so demanded shall be deemed a failure to timely pay the required fee unless the Commission finds cause to permit an extension of time in which to remit the demanded amount.

(b) Except as otherwise provided in the Act and these rules and regulations, failure to timely remit fees, or deposits required under this subchapter shall result in suspension of the affected license or application until such time as the full amount of such fee or deposit is paid unless the Commission finds cause to permit extension of time in which to remit the amount due. Except as otherwise provided, failure to remit full amount of a fee or deposit required under this section within thirty calendar days of the date such fee becomes due shall result in permanent forfeiture of the affected license or application unless the licensee or applicant shall show cause for non-forfeiture acceptable to the Commission.

(c) All fees payable under this subchapter shall be paid by check or money order made payable to the “Rota Municipal Treasurer” and presented to the Commission at its offices. No

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check so presented shall be deemed payment until the Commission shall be satisfied that sufficient funds are contained in the account against which it is drawn. All Casino license application fees and licensing costs deposits shall be payable by a US Bank drawn cashier's check approved by the Commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words "rules and regulations" in subsections (a) and (b) and "casino" in subsection (c) pursuant to 1 CMC § 3806(f). The Commission struck the figure "30" from subsection (b) pursuant to 1 CMC § 3806(e).

§ 160-20.1-1220 Casino License Fees and Deposits

(a) No application for the issuance of a casino license shall be accepted for filing to the Commission unless a nonrefundable application filing fee of ten thousand dollars is fully paid.

(b) No application for the issuance of a casino license shall be accepted for filing to the Commission unless an initial deposit of one hundred fifty thousand dollars is received and payable to the commission for processing and investigation costs to be determined by the Commission.

(c) Casino license shall be issued after the applicant has agreed to pay, and paid, any of the following casino license:

(1) Pay an annual license fee of \$150,000 (one-hundred fifty thousand) upon issuance of a gaming license for 1 year;

(2) Pay a license fee of \$300,000 (three-hundred thousand) upon commission issuance of a gaming license for 3 years;

(3) Pay a license fee of \$400,000 (four hundred thousand) upon commission issuance of a gaming license for 5 years.

(4) The above fees are for the first year of application granted for the periods of casino licensure described above for any casino licensee and can not be extended. Annual casino license fees after the periods described above, will revert back to \$150,000 (one hundred fifty thousand) or another value not greater than \$200,000 as authorized by the act and approved by the commission.

(5)(i) A casino applicant who applies for a casino license and has paid all necessary fees including investigation fees on or before 01 March 2013 and has elected to pay the \$400,000.00 initial 5 year term for casino license shall have the option as follows:

(A) Applicant may exercise its option for its second 5 year term for casino license for \$450,000.00;

(B) Applicant may exercise its option for its third 5 year term for casino license for \$450,000.00;

(C) Applicant may exercise its option for its fourth 5 year term for casino license for \$500,000.00.

(ii) An applicant who elects to exercise any of the additional 5 year term must send a notice and full payment to the Rota Casino Gaming Commission at least three months prior to the expiration of its casino license. In light of the economic condition on the island of Rota, this

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provision is designed to entice casino investors to the island of Rota.

Amdts Adopted 33 Com. Reg. 31657 (June 27, 2011); Amdts Proposed 33 Com. Reg. 31439 (Mar. 23, 2011); Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “casino” in subsection (a), (b), (c)(5)(i), (c)(5)(i)(A) through (c)(5)(i)(C), and (c)(5)(ii), “ten thousand dollars” in subsection (a), “one hundred fifty thousand dollars” in subsection (b), and “applicant” and “license” in subsection (c)(5)(i) pursuant to 1 CMC § 3806(f). The Commission struck the figures “\$10,000.00” from subsection (a), “\$150,000.00” in subsection (b), and “3” from subsection (c)(5)(ii) pursuant to 1 CMC § 3806(e).

The 2011 amendment added subsection (c)(5). The paragraphs of subsection (c)(5) were undesignated in the initial regulation. The Commission divided it into subsections (c)(5)(i) and (c)(5)(ii) pursuant to 1 CMC § 3806(a).

§ 160-20.1-1225 Special Fee Assessments for Other Purpose

All investigation fees required of the casino applicant, casino management group, casino key employees, and casino employee must be shouldered by the applicant. The Commission may require additional funds for the completion of the investigation process. Equally, the Commission shall reimburse any investigation fees not exhausted. The Commission may impose other additional fees that are authorized by the Act.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted a comma after the word “employees” pursuant to 1 CMC § 3806(g).

§ 160-20.1-1230 Cost of Processing a Casino License Application

The Commission shall cause all actual costs associated with investigation, hearing, and licensing of each casino license application, as determined necessary by the Commission, to be paid from licensing cost deposits submitted by the affected applicant. With respect to the applicant, officers, principals, shareholders, financiers, contract operators, or any other parties which, in the sole view of the Commission, are subject to licensing standards pursuant to the Act, and the rules and regulations, actual licensing costs shall include but not be limited to the following:

- (a) Professional fees and expenses incidental to investigation of all parties subject to licensing standards;
- (b) Expenses incidental to the preparation and conduct of a licensing hearing including expert witnesses or other testimony or evidence considered by the Commission to be relevant to deciding the casino license application; and
- (c) An hourly charge, including a reasonable allowance for overhead, for all time expended by individual Commission members and staff of the commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

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Commission Comment: The Commission corrected the capitalization of the words “casino” in the introductory paragraph and subsection (a) and “rules and regulations” in the introductory paragraph pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “hearing” and “operators” pursuant to 1 CMC § 3806(g).

§ 160-20.1-1235 Fees and Taxes

General Provision – The commission may pro-rate all fees, except for annual casino license fees, for the remainder of the first fiscal year where the fees are required to be paid annually.

(a) Employee License Fees

(1) Casino and Hotel Key Employees License Fee

A fee of five hundred dollars each and every casino key employee, and each and every hotel key employee as defined, shall be paid in full to the Commission prior to the employee engaging in any key employee duties or responsibilities related to the Casino. This shall be one time fee for the duration of the employee serving in the licensed position. Provided however, that if the employee so licensed assumes a new different employment position, then the employee must pay the appropriate one-time license fee to secure a new license for the new different employment position assumed.

(2) Casino Employee License Fee

A fee of fifty dollars for each and every casino employee, as defined, shall be paid in full to the Commission prior to the employee engaging in any duties and responsibilities. This shall be one-time fee for the duration of the employee serving in the licensed position. Provided however, that if the employee so licensed assumes a new different employment position, then the employee must pay the appropriate one-time license fee to secure a new license for the new different employment position assumed.

(3) Hotel Employee License Fee

A fee of fifty dollars for each and every hotel employee shall be paid in full to the Commission prior to the employee engaging in any duties or responsibilities. This shall be a one-time fee for the duration of the employee serving in the licensed position. Provided however, that if the employee so licensed assumes a new different employment position, then the employee must pay the appropriate one-time license fee to secure a new license for the new different employment position assumed.

(b) Machine License Fees

(1) Machine license fees shall be assessed annually on all mechanical or video devices as part of the games available for play by patrons of the casino. These includes, but not limited to, slot machines, video poker machine, video roulette machines, pachinko machines and any and all other video or mechanical or combination machines available for play by patrons in the casino.

(2) License fees for each machine shall be imposed on a declining scale based on the total number of machines in the casino. This fee must be remitted to the Commission by October 1st of each fiscal year.

- | | | |
|-------|----------------------|-------------------------------------------|
| (i) | Machines 1-100 | \$125.00 per year, per machine |
| (ii) | Machines 101-300 | \$100.00 per year, per additional machine |
| (iii) | Machines 301 or more | \$75.00 per year, per additional machine |

(c) Gaming Table Fees

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- (1) All casino operators shall submit a list of table games for play to be approved by the Commission.
- (2) Table fee shall be assessed annually on each gaming table available to play by the patrons in the casino at the rate of two hundred fifty dollars per table.

- (d) Casino Gaming Service Industry and Non-Gaming Service Industry License Fees
 - (1) No casino gaming service industry license shall be issued or renewed unless the applicant shall have first paid in full an annual license fee of five thousand dollars. This fee, unlike the casino license fee, shall be prorated based on the date of issuance of the fiscal year and paid in full upon issuance. A renewal fee must be remitted, in full, to the Commission by October 1st of each fiscal year.
 - (2) No casino non-gaming service industry license shall be issued or renewed unless the applicant shall have first paid in full an annual license fee of two thousand five hundred dollars, except when the non-gaming service industry applicant can demonstrate that the goods and services provided to the casino are locally produced on Rota, then all fees, at the sole discretion of the commission, may be waived. This fee, unlike the casino license fee, shall be prorated based on the date of issuance of the fiscal year and paid in full upon issuance. A renewal fee must be remitted, in full, to the Commission by October 1st of each fiscal year.
 - (3) All casino gaming and non-gaming service industry defined in this section shall be all service industries commencing service to the casino thirty days prior to the opening. A copy of all documents related to the annual gross and taxes must be provided to the Commission upon remittance of this fee.

- (e) Revocation and suspension of casino gaming and non-gaming service industry license are subject to the following:
 - (1) Non payment of all fees described in this section shall be sufficient grounds for the revocation or suspension of a casino service industry license;
 - (2) Any casino gaming and non-gaming service industry license, whose license is suspended or revoked shall upon notification from the Commission, immediately cease its services to the casino;
 - (3) All casino licenses shall terminate its services from such casino service industry licensee upon notification from the Commission that the license of such casino service industry license has been suspended.

- (f) Violation of this section shall result in penalties assessed against either the casino service industry licensee or the casino licensee, or both, in amount to be determined by the Commission but not to exceed one hundred dollars per day. Penalties are cumulative and imposition of a penalty pursuant to this section. It does not preclude other penalties as provided by the Act and the rules and regulations also being imposed against a casino service industry licensee or the casino licensee.

- (g) Other Fees
 - (1) Application form fee for casino applicant is five thousand dollars.
 - (2) Application form fee for casino gaming service industry applicant is one thousand dollars.

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- (3) Application form fee for the non-gaming service industry applicant is two hundred dollars.
- (4) Petition fee is two thousand five hundred dollars.
- (5) Other fees may be assessed by the Commission as deemed appropriate and/or listed in the Statement of Fees by the Commission.

(h) Casino Tax

A Rota Gaming Tax equal to ten percent of the gross gaming revenue, payable on or before the tenth day of the following month. The term, "gross gaming revenue," means the total of all sums received, including checks and credit whether collected or not, received in any month as winnings from the conduct of gaming, less only the total of all sums paid out from the conduct of gaming as losses by a casino under a gaming license. In regards to tournament fees, it shall equal the total contribution to the tournament fees, while playing at the casino, minus any credits, bonuses, charge backs, or costs attributable directly and specifically to the player in that specific tournament.

(i) Adjustment of payment of gambling revenue tax in certain circumstances.

(1) If the total sums, including checks and credit whether collected or not, actually received in any month by a casino operator from the conduct of gaming is less than the total of all sums paid out as winning during that month in respect to gaming, the amount of the difference between the total payment and the total receipt shall for the purpose of assessment of the gambling revenue tax and casino community benefit levy payable in respect of the next succeeding month be first deducted, to the extent it may be, from the casino gross revenue of that month.

(2) Where there is no casino gross revenue for the month or where the casino gross revenue for that month is less than the amount of the difference as aforesaid, the amount of the difference or that part thereof that is excess of the casino gross revenue for that month as the case may be, shall for the purpose of the assessment of gambling revenue tax and casino community benefit levy payable in respect to the next month thereafter be first deducted, to the extent it may be, from the casino gross revenue for such next month.

(j) Penalty for late payment

(1) Penalty at a rate of five percent, per month, shall be charged and become due and payable forthwith on the amount of any casino license fee or gambling revenue tax remaining unpaid after the date on which it becomes due and payable.

(2) Additional penalty at the rate of five percent, per month, shall be charged and become due and payable on any part of any amount including penalty that remains unpaid.

(i) Upon the expiration of one month commencing on the date when the amount first became due and payable; and

(ii) Upon expiration of each month commencing on the like date thereafter.

(3) Failure to pay the fees and taxes required above, shall cause the casino license to be automatically suspended on the ninety-first day past due.

(4) Any penalty or additional penalty payable under the rules and regulation shall be deemed to be a casino gambling revenue tax.

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(k) **Liability for Fees and Taxes**

(1) The casino licensee is liable for all fees and taxes due and payable in accordance with the Act.

(2) Where the casino operator is a lessee under a casino lease, he and the casino licensee are jointly and severally liable for all fees and taxes due and payable in accordance with this Act.

(3) Where the casino operator is party to a casino management with the casino agreement with the casino licensee under a Casino lease, he and the casino licensee or he and the casino licensee and the lessee, as the case may be jointly and severally liable for all fees and taxes due and payable in accordance with this Act.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The paragraphs of subsection (b)(2) were undesignated in the original regulation. The Commission designated them as subsections (b)(2)(i) through (b)(2)(iii) pursuant to 1 CMC § 3806(a). The Commission inserted commas after the word “backs” in subsection (h) and moved a comma within a quotation mark in subsection (h) pursuant to 1 CMC § 3806(g).

Part 1300 - Casino Service Industry Providers

§ 160-20.1-1301 Definitions

The following words and terms, when used in this part, have the following meaning unless otherwise indicated.

(a) “Casino Management Company” means a company which has been previously licensed in or currently manages a casino operation in a commission approved gaming jurisdiction for the purposes of casino management services and has at least five years of casino management experience.

(b) “Gaming equipment” means any mechanical, electrical, or electronic contrivance or machine used in connection with gaming or any game and includes, without limitation, roulette wheels, roulette tables, big six wheels, craps tables, tables for card games, layouts, slot machines, cards, dice, chips, plaques, card dealing shoes, drop boxes, and other devices, machines, equipment, items, or articles determined by the Commission to be so utilized in gaming as to require licensing of the manufacturers, distributors, or services or as to require Commission approval in order to contribute to the integrity of the gaming industry.

(c) “Gaming equipment distributor” means any person who distributes, sells, supplies, or markets gaming equipment.

(d) “Gaming equipment industry” means any gaming equipment manufacturer, and any producers or assemblers of gaming equipment(s).

(e) “Gaming equipment manufacturer” means any person who manufactures gaming

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equipment.

(f) “Gaming equipment servicer” means any person who maintains, services, or repairs gaming equipment.

(g) “Sales representative” means any person owning an interest in, employed by, or representing a casino service industry enterprise, who solicits the goods and services or business thereof.

(h) “Security business” or “Casino security service” means any non-governmental enterprise providing physical security services to a casino, a casino licensee, an approved hotel, or any premises located with a casino complex.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission inserted commas after the words “electrical,” “items,” and “distributors” in subsection (b), “supplies” in subsection (c), “services” in subsection (f), “by” in subsection (g), and “hotel” in subsection (h) pursuant to 1 CMC § 3806(g). The Commission corrected the capitalization of the word “casino” in subsections (g) and (h) pursuant to 1 CMC § 3806(f).

§ 160-20.1-1302 License Requirements

(a) Except as otherwise provided for herein, any enterprise that provides goods or services related to, or transacts business related with, casino or gaming activity with a casino applicant or licensee, its employees or agents must be licensed by the Commission. The Commission may permit an applicant for a casino service industry license to conduct business transactions with such casino applicant or licensee prior to the licensure of the casino service industry license applicant upon a showing of good cause by a casino applicant or licensee for each business transaction. The following enterprises must be licensed as a casino service industry.

(1) Any form of enterprise which manufactures, supplies or distributes devices, machines, equipment, items, or articles specifically designed for use in the operation of a casino or needed to conduct a game including, but not limited to, roulette wheels, roulette tables, big six wheels, craps tables, tables for card games, layouts, slot machines, cards, dice, gaming chips, gaming plaques, slot tokens, card dealing shoes, and drop boxes; or

(2) Any form of enterprise which provides maintenance, service, or repair pertaining to devices, machines, equipment, items, or articles specifically designed for use in the operation of a casino or needed to conduct a game; or

(3) Any form of enterprise which provides service directly related to the operation, regulation, or management of a casino including, but not limited to, gaming schools teaching gaming and either playing or dealing techniques, casino security enterprises, casino credit collection enterprises; or

(4) Any form of enterprise which provides such other goods or services determined by the Commission to be so utilized in or incidental to gaming or casino activity as to require licensing in order to contribute to the integrity of the gaming industry in Rota.

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(b) Unless otherwise licensed in accordance with (a) above, no enterprise is permitted to, on a regular or continuing basis, provide goods or services regarding the realty, construction, maintenance, or business of a proposed or existing casino or related facility to a casino applicant or licensee, its employees, or agents unless such enterprise is licensed or exempted in accordance with this rules and regulations. In determining whether an enterprise is subject to the requirements of this subsection, it shall not matter whether the casino applicant or licensee is a party to any agreement pursuant to which said goods or services are being provided. Enterprises subject to the provisions of this subsection includes, but is not limited to, suppliers of alcoholic beverages, food and nonalcoholic beverages, garbage handlers, vending machine providers, linen suppliers, maintenance companies, shop-keepers located within the approved hotel or casino, limousine services and construction companies contracting with the approved hotel or casino applicants or licensees or their employees or agents.

(c) In determining if a person or enterprise does or will, on a regular or continuing basis, provide goods or services regarding the realty, construction, maintenance, or business of a proposed or existing casino or related facility to casino applicants or licensees, their employees or agents, the following factors shall be considered:

- (1) Number of transactions;
- (2) Frequency of transactions;
- (3) Dollar amounts of transactions;
- (4) Nature of goods or services provided or business transacted;
- (5) Maximum potential period of time necessary to fully provide the goods, perform the services, or complete the business which is the subject of the transaction; and
- (6) The recommendation of the Executive Director or his designee;

(d) Notwithstanding the provisions of (c) above, persons and enterprises which provide, or imminently will provide, goods or services regarding realty, construction, maintenance, or business of a proposed or existing casino or related facility to casino applicants or licensees, their employees, or agents shall, unless otherwise determined by the Commission, be deemed to be transacting such business on a regular or continuing basis if, the total dollar amount of such transactions with a single casino applicant or licensee, its employees, or agents, is or will be equal to or greater than fifty thousand dollars within any twelve month period.

(e) The word “transaction” for purposes of this section, must be construed to effectuate the public interest and the policies of the Commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” in subsections (a), (a)(1), (a)(2), (a)(3), (a)(4), (b), (c), and (d) pursuant to 1 CMC § 3806(f). The Commission corrected the capitalization of the words “rules and regulations” in subsection (b) and “fifty thousand dollars” in subsection (d) pursuant to 1 CMC § 3806(f). The Commission struck the figure “\$50,000.00” from subsection (d) pursuant to 1 CMC § 3806(e). The Commission inserted commas after the words “items” and “shoes” in subsection (a)(1), “service” in subsection (a)(2), “regulation” in subsection (a)(3), “employees” in subsection (b), “services” in subsection (c)(5), and “employees” in subsection (d) pursuant to 1 CMC § 3806(g).

§ 160-20.1-1304 Standards for Qualifications

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- (a) The general rules and regulations relating to standards for qualification are set forth in the rules and regulations and are incorporated herein.
- (b) Each applicant required to be licensed as a casino service industry in accordance to this rules and regulations including gaming schools, must, prior to the issuance of any casino service industry license, produce such information, documentation, and assurances to establish by clear and convincing evidence:
- (1) The financial stability, integrity, and responsibility of the applicant;
 - (2) The applicant's good character, honesty, and integrity;
 - (3) That the applicant, either himself or through his employees, has sufficient business ability and experience to establish, operate, and maintain his enterprise with reasonable prospects for successful operation;
 - (4) That all owners, management and supervisory personnel, principal employees and sales representatives qualify under the standards established for qualification of a casino key employee.
 - (5) The integrity of all financial backers, investors, mortgagees, bondholders, and holders of indentures, notes or other evidence of indebtedness, either in effect or proposed, which bears any relationship to the enterprise; and
 - (6) The integrity of all officers, directors, and trustees of the applicant.
- (c) Each applicant required to be licensed as a casino service industry in accordance shall, prior to the issuance of any casino service industry license, produce such information and documentation, including without limitation as to the generality of the foregoing its financial books and records, assurances to establish by clear and convincing evidence its good character, honesty, and integrity.
- (d) Any enterprise directed to file an application for a casino service industry license pursuant to this* rules and regulations may request permission from the Commission to submit a modified form of such application. The Commission, in its discretion, may permit such modification if the enterprise can demonstrate to the Commission's satisfaction that securities issued are listed, or are approved for listing upon notice of issuance, on the New York Stock Exchange or the American Stock Exchange or any other major foreign Stock Exchange.
- (e) Any modifications of a casino service industry license application permitted pursuant to this section may be in any form deemed appropriate by the Commission except that the application for modification must include the following:
- (1) The appropriate Personal History Disclosure Forms for all those individuals required to so file by the Commission; and
 - (2) Copies of all filings required by the United States Securities and Exchange Commission including all 10k's, 10Q's, SK's, proxy statements, and quarterly reports issued by the applicant during the two immediately preceding fiscal years or reports filed pursuant to the requirements of another regulatory body dealing with securities; and
 - (3) Properly executed Consents to Inspections, Waivers of Liability for Disclosures of Information and Consents to Examination of Accounts and Records in forms as prescribed by the

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Commission; and

- (4) Payment of the appropriate casino service industry fee; and
- (5) Any other information or documentation required at any time by the Commission.

* So in original.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” in subsections (a), (b), and (d), and “casino” in subsections (b), (b)(4), (c), (d), (e), and (e)(4) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “documentation” in subsection (b), “integrity” in subsection (b)(1), “honesty” in subsection (b)(2), “operate” in subsection (b)(3), “honesty” in subsection (c), and “statements” in subsection (e)(2) pursuant to 1 CMC § 3806(g).

§ 160-20.1-1306 Persons Required to be Qualified

The general rules and regulations relating to the persons required to be qualified prior to the issuance of a casino service industry license are set forth in the rules and regulations in section 160-20.1-805.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the words “rules and regulations” and “casino” pursuant to 1 CMC § 3806(f).

§ 160-20.1-1308 Disqualification Criteria

A casino service industry license may be denied to any applicant who has failed to prove by clear and convincing evidence that he or any of the persons who is qualified under any of the criteria set forth in section 160-20.1-905(b) of the rules and regulations.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the words “casino” and “rules and regulations” pursuant to 1 CMC § 3806(f).

§ 160-20.1-1310 Competition

The Commission has the power and the duty to regulate, control, and prevent economic concentration in casino operations and in casino service industries.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word “control” pursuant to 1 CMC § 3806(g).

§ 160-20.1-1312 Investigation; Supplementary Information

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The Commission may inquire or investigate an applicant, licensee, or any person involved with an applicant or licensee as it deems appropriate either at the time of the initial application and licensure or at any time thereafter. It is the continuing duty of all applicants and licensees to provide full cooperation to the Commission in the conduct of such inquiry or investigation and to provide any supplementary information requested by the Commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted a comma after the word “licensee” pursuant to 1 CMC § 3806(g).

§ 160-20.1-1314 Renewal of Licenses

(a) An application for renewal of a license shall be filed annually no later than thirty days prior to the expiration of its license. The application for renewal of a license must be accompanied by the prescribed fee and need to contain only that information which represents or reflects changes, deletions, additions, or modifications to the information previously filed with the Commission.

(b) A change in any item that was a condition of the original license or of a license renewal must be approved by the Commission. A change in ownership shall invalidate any approval previously given by the Commission. The proposed new owner is required to submit an application for licensure and evidence that he is qualified for licensure.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted a period at the end of subsection (a) pursuant to 1 CMC § 3806(g). The Commission struck the figure “30” from subsection (a) pursuant to 1 CMC § 3806(e). The Commission inserted a comma after the word “additions” in subsection (a) pursuant to 1 CMC § 3806(g).

§ 160-20.1-1316 Record Keeping

(a) All Casino service industry licensees must maintain adequate records of business operations which shall be made available to the Commission upon request; the records must be maintained in a place secure from theft, loss, or destruction. Adequate records include:

- (1) All correspondence with the Commission and other governmental agencies on the local, state, and national level;
- (2) All correspondence concerning the realty, construction, maintenance, or business of a proposed or existing casino or related facility.
- (3) All copies of promotional material and advertisement;
- (4) All personnel file of each employees or agent of the licensee, including sales representatives; and
- (5) All financial records of all transactions concerning the realty, construction, maintenance, or business of a proposed or existing casino or related facility.

(b) Adequate records as listed in subsection (a) above must be held for at least seven years.

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History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “casino” in subsections (a), (a)(2), and (a)(5), and “state” and “national” in subsection (a)(1) pursuant to 1 CMC § 3806(f). The Commission inserted a period after the word “destruction” in subsection (a) pursuant to 1 CMC § 3806(g). The Commission inserted commas after the words “loss” in subsection (a) and “state” in subsection (a)(1) pursuant to 1 CMC § 3806(g). The Commission struck the figure “7” from subsection (b) pursuant to 1 CMC § 3806(e).

§ 160-20.1-1318 Record of Gaming Equipment Inventory

(a) A manufacturer of all gaming machines/equipments but not limited to slot machines, keno games, roulette, and big six wheels shall permanently affix an identification plate on each piece of gaming equipment that is clearly visible, showing an identification or serial number, the date of manufacture, and the name of the manufacturer.

(b) A manufacturer of the gaming machine/equipment must maintain a record for all periods of registration that it supplies a casino operator as a casino gaming-related supplier of gaming equipment.

(c) A casino operator must maintain a record of each gaming machine/equipment that includes, but not limited to:

- (1) Name of the manufacturer of each piece of gaming machine/equipment;
- (2) Date of manufacture;
- (3) Serial or identification number;
- (4) Date of delivery to the Casino operator;
- (5) Current post-delivery status;
- (6) Disposal date and method; and
- (7) Name of purchaser at disposal.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” in subsections (b), (c), and (c)(4) pursuant to 1 CMC § 3806 (f). The Commission inserted commas after the words “roulette” and “manufacture” in subsection (a) and corrected the spelling of “operator” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 160-20.1-1320 Equipment Testing Cost

(a) All gaming machine/equipment used in the playing of games of chance in the casino will be subject to random testing by the Commission or its agents at times to be determined by the Commission; all costs associated with the testing shall be paid or reimbursed to the commission by the casino licensee.

(b) All gaming machine/equipment must pay out a mathematically demonstrable percentage of all amounts wagered subject to the approval of the Commission.

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(c) Malfunctioning gaming machine/equipment which have an impact or effect on the performance and/or payout of the game must not be made available for play.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” in subsection (a) pursuant to 1 CMC § 3806(f).

§ 160-20.1-1322 Games of Chance

(a) A casino operator must submit to the Commission for approval, a complete listing and description of any game of chance proposed for play in a casino that the operator intends to offer for play.

(b) For each game of chance submitted, the casino operator must provide the rules of play to the Commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” in subsections (a) and (b) pursuant to 1 CMC § 3806(f).

§ 160-20.1-1324 Hardware Requirements

(a) Identification plates

An unmovable identification plate containing the following information must appear on the exterior of each gaming equipment and be visible:

- (1) Manufacturer;
- (2) Serial number; and
- (3) Model number.

(b) Power interrupts circuit

- (1) A power interrupt circuit must be installed in all appropriate gaming equipment.
- (2) A battery backup device is required that is capable of maintaining accurate required information after power is discontinued.
- (3) The backup device must be kept within the locked or sealed logic board compartment.

(c) Electromagnetic interference

Each machine or other gaming equipment shall be designed and constructed so that its operation is not adversely affected by static discharge or other electro-magnetic interference.

(d) Each Casino operator must submit its hardware accessories requirements, operational, and control system, including, but is not limited to:

- (1) Coin and token;
- (2) Bill validators;
- (3) Automatic light-alarm;

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- (4) Protection of logic boards and memory components;
- (5) Hardware switches;
- (6) Drop bucket; and
- (7) Hopper.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “casino” in subsection (d) and “validators” in subsection (d)(2) pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word “operational” in subsection (d) pursuant to 1 CMC § 3806(g).

§ 160-20.1-1326 Software Requirement

Casino Operators must provide to the Commission for approval of its software requirements.

- (a) Machine percentage payout
- (b) Machine control programs or updates thereof
- (c) Continuation of game after malfunction is cleared
- (d) Machine specifications - error conditions
 - (1) Automatic clearing
 - (2) Clearing by attendant
 - (3) Computer monitoring requirement for machines
- (e) Standards respecting progressive slot machines
- (f) Meter requirements
- (g) Jackpot limits
- (h) Transfer of jackpots
- (i) Linked jackpot arrangements, and or
- (j) Associated equipment.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “casino operators” in the introductory paragraph, “percentage” in subsection (a), “control” in subsection (b), “specifications,” “error,” and “conditions” in subsection (d), “clearing” in subsection (d)(1), “limits” in subsection (g), and “equipment” in subsection (j) pursuant to 1 CMC § 3806(f).

§ 160-20.1-1328 Cause for Suspension, Failure to Renew, or Revocation of a License

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Any of the following is cause for suspension, refusal to renew, or revocation of a casino service industry license; refusal to renew or a revocation may be issued for sufficient cause, so as those listed but not limited to:

- (a) Violation of any provision of the Act or this rules and regulations;
- (b) Conduct which would disqualify the applicant, or any other person required to be qualified, if such person were applying for original licensure;
- (c) Failure to comply with all applicable federal, state, and local statutes*, ordinances, and regulations; or
- (d) A material departure from any representation made in the application for licensure.
- (e) Conduct by the casino management company which involves issuance or acceptance of political favors, kickbacks, unduly pressure, manipulation or inducement of a public official for political, regulatory, or financial gain.

* So in original.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “casino” in the initial paragraph, “rules and regulations” in subsection (a), and “federal” and “state” in subsection (c) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “renew” in the initial paragraph, “state” and “ordinances” in subsection (c), and “regulatory” in subsection (e) pursuant to 1 CMC § 3806(g).

§ 160-20.1-1330 Fees

All fees must comply with the requirements under section 160-20.1-1235 and/or the Statement of Fees published by the commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d).

§ 160-20.1-1332 Exemption

The Commission may, upon the written request of any person, or upon its own initiative, exempt any person or field of commerce from the casino service industry licensure requirements pursuant to the rules and regulations in section 160-20.1-605(d).

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the words “casino” and “rules and regulations” pursuant to 1 CMC § 3806(f).

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§ 160-20.1-1334 Casino Service Industry License

No casino service industry license will be issued unless the individual qualifications of each of the following persons have first been established in accordance with all provisions, including those cited, in the Act and of the rules and regulations:

- (a) The enterprise;
- (b) If the enterprise is, or if it is to become a subsidiary, each holding company and each intermediary company which the Commission deems necessary in order to further the purposes of the Act;
- (c) Each owner of the enterprise who directly or indirectly holds any beneficial interest or ownership in excess of twenty percent of the enterprise;
- (d) Each owner of a holding company or intermediary company who the Commission deems necessary in order to further the purposes of the Act;
- (e) Each director of the enterprise except a director who, in the opinion of the Commission is significantly not involved in or connected with the management or ownership of the enterprise shall not be required to qualify;
- (f) Each officer of the enterprise who is significantly involved in or has authority over the conduct of business directly related to casino or gaming activity and each officer whom the Commission may consider appropriate for qualification in order to ensure the good character, honesty*, and integrity of the enterprise;
- (g) Each officer of a holding company or intermediary company whom the Commission may consider appropriate for qualification in order to ensure the good character, honesty*, and integrity of the enterprise;
- (h) The management employee supervising the regional or local office which employs the sales representative who will solicit business or deal directly with a casino licensee;
- (i) Each employee who will act as a sales representative or otherwise regularly engage in the solicitation of business from casino licensees; and
- (j) Any other person whom the Commission may consider appropriate for approval or qualification.

* So in original.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “casino” in the initial paragraph and subsections (f), (h), and (i) and “rules and regulations” in the initial paragraph pursuant to 1 CMC § 3806(f).

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The Commission struck the figure “20%” from subsection (c) pursuant to 1 CMC § 3806(e). The Commission inserted commas after the word “honestly” in subsections (f) and (g) pursuant to 1 CMC § 3806(g).

§ 160-20.1-1336 Master Vendors List

(a) Each casino licensee must establish a listing of all vendors in which it conducts business irrespective of the amount of business transacted; This listing must include, at a minimum, the following information:

- (1) Name of the company or individual, if sole proprietor;
- (2) Physical address and email of company or sole proprietor;
- (3) Amount of business for the month;
- (4) If the licensee is a company, then a listing of the officers and stockholders of the company;
- (5) A listing of the employees involved with the casino licensee; and
- (6) Any other information the Commission determines to be necessary to track levels of business.

(b) By no later than the fifth of each month, each casino licensee shall file with the Commission in either a written format or via computer disk or flash drive that is compatible with equipment utilized by the Commission its master vendor list with the information set forth in subsection (a) above.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “casino” in subsections (a), (a)(5), and (b), and “address” in subsection (a)(2) pursuant to 1 CMC § 3806(f). The Commission struck the figure “5th” from subsection (b) pursuant to 1 CMC § 3806(e).

Part 1400 - Hearings: General Provisions

§ 160-20.1-1401 Definitions

As used in this chapter, the term:

(a) “Contested case” means any proceeding, including any licensing proceedings, in which the legal right, duties, obligations, privileges, benefits, or other legal relation of specific parties are required by constitutional rights or by statute to be determined by any agency by decisions, determinations, or orders, addressed to a party or disposing of its interest after opportunity for an agency hearing:

(b) “Interested person” means any person whose specific legal rights, duties, obligations, privileges, benefit, or other specific legal relation are affected by the adoption, amendment, or repeal of a specific regulation or by any decision, order, or ruling of the Commission.

(c) “Party” means any person or entity directly involved in a contested case, including petitioner, respondent, intervener, or agency of the Commonwealth of the Northern Mariana

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Islands proceeding in any such capacity;

(d) “Emergency Orders” means an order issued by the Commission for immediate action/relief.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted commas after the words “benefits” in subsection (a), “benefit” in subsection (b), and “order” in subsection (b) pursuant to 1 CMC § 3806(g).

The Commission modified the part title to incorporate “Hearings” pursuant to 1 CMC § 3806(a).

§ 160-20.1-1405 Applicability of Rules

(a) In addition to the Administrative Procedure Rules (APR), the provisions of the Act and the rules and regulations in this chapter apply to an appropriate contested case hearing.

(b) To the extent that the Act and the rules and regulations in this chapter are inconsistent with APR, the former shall apply.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” pursuant to 1 CMC § 3806(f).

§ 160-20.1-1410 Conduct of Contested Case Hearings

(a) At all hearings of the Commission in contested cases, unless the Commission hears the matter directly, the chairman may designate a member of the Commission to serve as a hearing Commissioner or shall designate a hearing examiner to serve as a hearing officer. When the Commission hears the matter directly, the chairman must serve as presiding officer.

(b) In the event that the designated hearing commissioner is unavailable prior to the filing of the recommended report and decision for consideration by the Commission, the chairman may either designate another hearing Commissioner or transfer the proceedings to the entire Commission. In such event, and consistent with the requirements of due process, the Commission or the designated hearing Commissioner may either continue the hearing and render a decision upon the entire record or begin the hearing anew.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Part 1500 - Rules Concerning All Contested Cases

§ 160-20.1-1501 Rules Concerning All Contested Cases

(a) Whether a contested case hearing is conducted by the Commission, by a hearing Commissioner or Hearing Examiner, in addition to any authority granted in the APR, the

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Chairman, the Hearing Commissioner or the Hearing Examiner, as the case may be, has the authority to:

- (1) Administer oaths and to require testimony to;
- (2) Serve process or notices in a manner provided for the service of process and notice in civil actions in accordance with the rules of court;
- (3) Issue subpoenas and compel the attendance of witnesses;
- (4) Propound written interrogatories;
- (5) Take official notice of any generally accepted information or technical or scientific manner in the field of gaming and any other fact which may judicially noticed by the courts of this Commonwealth; and
- (6) Permit the filing of amended or supplemental pleadings.

(b) Whether a contested case hearing is conducted by the Commission, a hearing commissioner or hearing examiner, and in addition to any rights granted in the APR, the parties have the right to:

- (1) Call and examine witnesses;
- (2) 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 Commission;
- (3) Cross examine opposing witnesses in any matters relevant to the issues of the case;
- (4) Impeach any witness, regardless of which party called him to testify;
- (5) Offer rebuttal evidence; and
- (6) Stipulate and agree that certain specified evidence may be admitted, although such evidence may be otherwise subject to objection.

(c) In any contested case, the Commission has authority to:

- (1) Grant testimonial immunity, and
- (2) Order of rehearing.

(d) In any contested case held, the following special rules of evidence apply:

- (1) Any relevant evidence, not subject to a claim of privilege, may be admitted regardless of any rule of evidence which would bar such evidence in judicial matters;
- (2) Evidence admitted pursuant to (c)(1) above is sufficient in itself to support a finding if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affair; and
- (3) If an applicant, licensee, registrant, or person that qualified pursuant to the Act and this regulation is a party, then such party must not testify on its behalf; however, the party may be called and examined as if under cross-examination.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted a comma after the word “registrant” in subsection (d)(3) pursuant to 1 CMC § 3806(g).

Part 1600 - Rules Concerning Application Hearings

§ 160-20.1-1601 Rights to Hearing; Request; Written Notice

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(a) When the Commission has been provided with all required information necessary for action, the Commission must serve the applicant personally by certified mail, to the address on file with the Commission or by facsimile, or secured email, a written notice of the applicant's right to a hearing and the applicant's responsibility to request a hearing; the Commission may on its own motion direct a hearing to be held.

(b) The applicant may file with the Commission a request for hearing within fifteen days after service of the written notice of right to a hearing and responsibility to request a hearing.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission struck the figure "15" from subsection (b) pursuant to 1 CMC § 3806(e). The Commission inserted a period at the end of subsection (b) pursuant to 1 CMC § 3806(g).

§ 160-20.1-1605 Procedure When No Hearing is Held

In any case in which no timely request for a hearing has been filed in which the Commission has not directed a hearing, the Commission must take a final action on the application within ninety days after the receipt of all required information and the completion of any investigation.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission struck the figure "90" pursuant to 1 CMC § 3806(e).

§ 160-20.1-1610 Burden of Proof

(a) The applicant, licensee, or registrant has the affirmative responsibility of establishing its individual qualifications by clear and convincing evidence.

(b) An applicant for a casino license has the affirmative responsibility of establishing by clear and convincing evidence:

(1) Individual qualification;

(2) The qualification of each person who is required to be qualified under this rules and regulations; and

(3) The qualification of the facility in which the casino is to be located.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words "casino" in subsection (b) and (b)(3) and "rules and regulations" in subsection (b)(2) pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word "licensee" in subsection (a) pursuant to 1 CMC § 3806(g).

§ 160-20.1-1615 Approval and Denial of Applications

(a) The Commission has the authority to grant or deny any application pursuant to the provisions of the Act and of this rules and regulations;

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(b) After the Commission has granted an application for a casino license or a conditional casino license but before issuing such license, the Commission must:

- (1) Require the applicant to tender all license fees and taxes as required by law and the rules and regulations adopted pursuant to the Act;
- (2) Require the applicant to push such bond as the Commission may require for the faithful performance of all requirements imposed by the law or regulation; the Commission will fix the amount of the bond or bonds to be required under this subsection in such amounts as it may deem appropriate, according to this title.

(c) Before granting any application other than for a casino license, the Commission must:

- (1) Limit or place such restrictions thereupon as the Commission may deem necessary in the public interest; and
- (2) Require the applicant to tender all license fees as required by law and regulations adopted pursuant to the Act.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” in subsections (a) and (b)(1) and “casino” in subsection (b) and (c) pursuant to 1 CMC § 3806(f).

Part 1700 - Rules Concerning Proceedings against Applicants, Licensees, and Registrants

§ 160-20.1-1701 Commencement of Complaint

Any proceeding against an applicant, licensee, or registrant must be initiated and indicated by a written complaint; the complaint must include a statement set forth in an ordinary and concise language the charges and acts or omissions supporting such charges.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission inserted a comma after the word “licensee” pursuant to 1 CMC § 3806(g).

§ 160-20.1-1705 Service of Complaint

Within fourteen days of filing of the complaint, the Commission must serve a copy upon the applicant, licensee, or registrant personally, by certified mail, by facsimile, or by secured email to the address on the file with the Commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission struck the figure “14” pursuant to 1 CMC § 3806(e). The Commission inserted commas after the words “licensee” and “facsimile” pursuant to 1 CMC § 3806(g).

§ 160-20.1-1710 Notice of Defense

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- (a) Within fifteen days after service of the complaint, the applicant, license*, or registrant may file with the Commission a notice of defense, in which he may:
- (1) Request a hearing;
 - (2) Admit or deny the allegations in whole or in part;
 - (3) Present new matters or explanations by way of defense; or
 - (4) State any legal objection to the complaint.
- (b) Within the time specified, the applicant or license* may file one or more notices of defense upon any or all of the above grounds.

* So in original.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission struck the figure “15” from subsection (a) pursuant to 1 CMC § 3806(e). The Commission inserted a comma after the word “license” in subsection (a) pursuant to 1 CMC § 3806(g).

§ 160-20.1-1715 Right to Hearing; Waiver

The applicant or licensee is entitled to an evidentiary hearing on the complaint if it files and serves the required notice of defense within the time allowed herein; such notice of defense is deemed a specific denial of all parts of the complaint which is not expressly admitted. Failure to file and serve a notice of defense within such time constitutes a waiver of the right of the hearing, but the Commission, in its discretion may nevertheless order a hearing. All affirmative defenses must be specifically stated, and unless objection is taken, as provided therein, all objections to the form of complaint is deemed waived.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

§ 160-20.1-1720 Notice of Hearing

The Commission will determine the time and place of hearing as soon as is reasonably practical after receiving the notice of defense. The Commission will deliver or send by certified mail, facsimile, or secured email a notice to all parties at least ten days prior to the hearing.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The commission struck the figure “10” pursuant to 1 CMC § 3806(e). The Commission inserted a comma after the word “facsimile” pursuant to 1 CMC § 3806(g).

§ 160-20.1-1725 Revocation of License or Registration; Hearing

The Commission will not revoke or suspend any license unless it has first afforded the licensee opportunity for a hearing. Such hearing must be held in accordance with the provision of part 1500.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

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Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d).

§ 160-20.1-1730 Emergency Orders; Hearings; Complaints

Within five days after the issuance of an emergency order pursuant to this regulation, the Commission will cause a complaint to be filed and served upon the person involved in accordance with the provisions of the regulation. Thereafter, the person against whom the emergency order has been issued and served is entitled to a hearing before the Commission. A person may request a hearing in accordance with the provisions of part 1600.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission struck the figure “5” pursuant to 1 CMC § 3806(e).

Part 1800 - Hearing on Regulations

§ 160-20.1-1801 Hearings on Regulations

- (a) The Commission must adopt, amend, and repeal regulations in accordance with the provisions of the Administrative Procedure Act;
- (b) Consistent with the requirements of the Act and the Administrative Procedure Act, the Commission may, in its discretion, conduct hearings concerning the adoption, amendment, or repeal of its regulations.
- (c) Any public hearing held in connection with the propose regulation shall be conducted in accordance with the Administrative Procedures Act.
- (d) The Commission must provide at least fifteen days notice of any public hearing conducted in connection with the proposed regulation. Such notice must be published in the Commonwealth Register or provided in a manner reasonably calculated to reach the interested public in accordance with 1 CMC § 9104.
- (e) At the hearing held in connection with the propose regulations, all interested parties will be afforded the opportunity to attend and to appear before the Commission to submit oral agreement in support of or in opposition to the proposed regulations. Such participation does not include the right to present evidence or to cross-examine witnesses, which may permitted* solely in the discretion of the Commission.
 - (1) The Commission may require notice in advance of the date of the proceedings of any individual’s intent to participate.
 - (2) This section shall not be construed to establish a right of any individual to appear before the Commission in the event that the Commission may act at a subsequent date to adopt the proposed regulations.

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* So in original.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission struck the figure “15” from subsection (d) pursuant to 1 CMC § 3806(e). The Commission inserted commas after the words “amend” in subsection (a) and “amendment” in subsection (b) pursuant to 1 CMC § 3806(g).

Part 1900 - Declaratory Rulings

§ 160-20.1-1901 Declaratory Rulings

(a) Any interested person may request that the Commission render a declaratory ruling with respect to the applicability to any person, property or state of facts of any provision of the Act or the rules and regulations.

(b) A request for a declaratory ruling must be initiated by a petition. The petition must include the following items with specificity:

- (1) The nature of request and the reasons thereof;
- (2) The facts of the circumstances underlying the request;
- (3) Legal authority and argument in support of the request; and
- (4) The remedy or result desired.

(c) If the Commission, in its discretion, decides to render a declaratory ruling, a hearing shall be afforded prior to the rendering of such ruling.

(1) If disputed issues of fact exists which must be resolved in order to determine the rights, duties, obligations, privileges, benefits, or other legal relation or specific parties, then a hearing must be conducted in accordance with part 1500.

(2) If no such disputed issues of fact exists as identified in the above mentioned (c)(1), the matter will proceed with the petition, and with any other papers requested of the parties, and oral argument, if permitted, by the Commission.

(d) In appropriate cases, the Commission may notify persons who may be interested in or affected by the subject of the declaratory ruling. In such cases, the Commission may afford these persons an opportunity to intervene as parties or to otherwise present their views in appropriate manner which is consistent with the rights of parties.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “rules and regulations” in subsection (a) pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word “benefits” in subsection (c)(1) pursuant to 1 CMC § 3806(g).

Part 2000 - Statements of Compliance

§ 160-20.1-2001 Statements of Compliance

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(a) A hearing will be afforded prior to the Commission's determination to grant or deny the issuance of a Statement of Compliance. The matter shall proceed with the petition, in compliance with section 160-20.1-1005, any other papers requested of these parties, and oral argument, if permitted by the Commission.

(b) In appropriate cases, the Commission may notify persons who may be interested in or affected by the subject of the Statement of Compliance. In the case, the Commission may afford these persons an opportunity to intervene as parties or otherwise present their views in an appropriate manner which is consistent with the rights of the parties.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d).

Part 2100 - Internal Controls: Administrative and Accounting Procedures and Audit Requirements

§ 160-20.1-2101 System of Controls and Procedures

(a) A casino operator must submit to the Executive Director for the approval of the Commission;

(1) A description of the system of internal controls and administrative and accounting procedures, generally accepted and currently utilized in casino industry standards, proposed by the casino operator in connection with the operation of the casino; and

(2) Details of changes proposed to any such controls and procedures previously approved by the Commission.

(b) The submission must be made not later than ninety days prior to the date for commencement of the operation of the casino or the implementation of the proposed changes, provided that the Commission may for sufficient cause direct that a particular submission may be made not later than a date determined that is closer to the date for the commencement or implantation as aforesaid.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word "casino" in subsections (a), (a)(1), and (b) pursuant to 1 CMC § 3806(f). The Commission struck the figure "90" from subsection (b) pursuant to 1 CMC § 3806(e).

§ 160-20.1-2105 Content of Submission

A submission of the description of the system of internal controls and administrative and accounting procedure must contain both narrative and diagrammatic representation of the system to be utilized by the casino operator, including, but not limited to:

(a) Accounting procedures, with adherence to Generally Accepted Accounting Principles,

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(GAAP), including the standardization of forms and definition of terms, not inconsistent with this rules and regulations, to be utilized in the gaming operation;

- (b) Procedures, forms, and, where appropriate, formula for or with respect to:
 - (1) Hold percentages and calculations thereof;
 - (2) Revenue drop;
 - (3) Expense and overhead schedules;
 - (4) Complimentary services;
 - (5) Salary arrangements; and
 - (6) Personnel practices.
- (c) Job descriptions and the system of organizing personnel and chain of command authority such as to establish diversity of responsibility among employees engaged in casino operations and identification of primary and secondary supervisory positions for areas of responsibility, which areas shall not be extensive as to be impractical for an individual to supervise effectively; to the greatest extent possible, the casino licensee shall reserve positions of all levels, including supervisory positions, for residents of Rota.
- (d) Procedures for the conduct and playing of games;
- (e) Procedures within a cashier's cage for the receipt, storage, and disbursal of chips and cash, the cashing of checks, the redemption of chips, and the recording of all transactions pertaining to gaming operations;
- (f) Procedures for the collection and security of moneys at the gaming tables and other places in the casino where games are conducted;
- (g) Procedures and forms for the transfer of chips to and from the gaming tables and other places in the casino where games are conducted from and to a cashier's cage;
- (h) Procedures for the transfer of moneys from the gaming tables and other places in the casino where games are conducted to other areas of the casino for counting;
- (i) Procedures and forms for the transfer of moneys or chips from and to any gaming area;
- (j) Procedures and security for the counting and recording of revenue;
- (k) Procedures and security for the transfer of moneys to and from a bank from and to the Casino;
- (l) Procedures for the security, storage, and recording of chips utilized in the gaming operations;
- (m) Procedures and standards for the maintenance, security, and storage of any gaming equipment;

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- (n) Procedures for the payment and recording of winnings associated with any games where such winnings are paid by cash or check;
- (o) Procedures for the issue of chip purchase vouchers and the recording of transactions in connection therewith;
- (p) Procedures for the cashing and recording of check transactions;
- (q) Procedures for the establishment and use of deposit advance gaming or player accounts, including the procedures for advance deposits in an on-island bank account or off-island bank account;
- (r) Procedures for the use and maintenance of security and surveillance facilities, including catwalk systems and closed circuit television systems;
- (s) Procedures governing the utilization of security personnel within the Casino;
- (t) Procedures for the control of keys used or for use in casino operations;
- (u) Procedures for the establishment and maintenance of the cash reserves and provide the standard and actual amount of cash reserves;
- (v) Diagrammatic floor plan of the casino and or hotel complex, which includes but is not limited to the locations identified for the surveillance room, casino cash count room, casino cashier, machine and table floor plan and the onsite office for the Rota Casino Gaming Commission.
- (w) Procedures for the establishment and conduct of employee training programs that involve the participation of the residents of Rota; and
- (x) The implementation of a System of Controls and Procedures and the submission of procedures thereof to the commission, may be regulated further, as deemed appropriate by the commission. The commission may require additional systems of security and accounting procedures at anytime necessary to ensure that the goals and objectives of this section are satisfied.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “casino” in the introductory paragraph and subsections (c), (f), (g), (h), (k), (s), and (t), “rules and regulations” in subsection (a), and “system of controls and procedures” in subsection (x) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “forms” in subsection (b), “storage” and “chips” in subsection (e), “storage” in subsection (l), and “security” in subsection (m) pursuant to 1 CMC § 3806(g).

§ 160-20.1-2110 Commission’s Approval

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- (a) The Executive Director shall review each submission received as described in section 160-20.1-2105 and advise the Commission;
- (1) Whether it is in conformity with the requirements of the policy of the commission or if promulgated, the rules and regulations that govern systems of controls and procedures for a licensee; and
- (2) In a case referred to in section 160-20.1-2101(a)(2), whether the system of controls and procedures provides satisfactory and effective control over the operations of the casino; or
- (3) In a case referred to in 160-20.1-2101(a)(2), whether the system of controls and procedures as previously approved as altered in accordance with the changes proposed provides satisfactory and effective control over the operations of the casino.
- (b) If the Executive Director considers that:
- (1) The submission is not in conformity with the requirements of this rules and regulations; and
- (2) The system of controls and procedures does not provide satisfactory and effective control over the operations of the casino, either as a system in the first instance or as a system as changed in accordance with proposed alterations, must first, before advising the Commission, inform the casino accordingly and specify the steps to be taken for the submission to be in compliance with the requirements of this rules and regulations or for the system (in the first instance or as changed) to provide satisfactory and effective control over the operations of the casino.
- (c) The casino operator, in order for his submission to proceed, shall take the steps to be taken as specified by the Executive Director.
- (d) Where the Executive Director advises the Commission that the submission complies with the requirements of this regulation and that the system of controls and procedures provides satisfactory and effective control over the operations of the casino, either in the first instance or as changed in accordance with proposed alteration, the Commission must approve the system or proposed changes accordingly.
- (e) The Commission may require in a written notice for a casino operator to alter any part of the system of controls and procedure by a date specified in the notice.
- (1) The notice must stipulate the alteration to be made.
- (2) The alterations on the system of controls and procedures in connection with the operation of the casino must be by the date specified in the notice.
- (f) A casino operator must not:
- (1) Conduct gaming in a casino unless the system of controls and procedures as aforesaid has been;
- (i) Approved by the Commission; and
- (ii) Implemented by the casino operator.
- (2) Change the system that was approved by the Commission unless any changes proposed are first approved by the Commission.

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(g) The provisions of section 160-20.1-1601 are applicable to this section.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the words “casino” in subsection (a)(2), (a)(3), (b)(2), (c), (d), (3), (e)(2), (f), (f)(1), and (f)(1)(ii), “rules and regulations” in subsections (a)(1), (b)(1), and (b)(2), and “system of controls and procedures” in subsection (a)(1) pursuant to 1 CMC § 3806(f). The Commission corrected a semicolon to a colon in subsection (a) pursuant to 1 CMC § 3806(g).

§ 160-20.1-2115 Books, Etc., to be Kept on Premises

(a) All books, records, and documents relating to the operation of the casino complex or the casino must be kept by the casino operator on the casino complex premises.

(b) The Commission may by written notice:

(1) Exempt the casino operator from compliance with subsection (a) above either in respect of all books, records, and documents or some of them as specified by it for reasons considered by it to be sufficient.

(2) Generally or specifically approve books, records, and documents to be removed temporarily from the casino or casino to another location.

(c) Subject to any other Act or law relating to the retention or destruction of books, records, and documents, all books, records, and documents as referred to in subsection (a) above must be retained by the casino operator for a period of seven years after the completion of the transactions to which they relate, provided that the Executive Director may, on the application of the casino operator, approve;

(1) The retention of books, records or documents in an alternative form or manner; or

(2) The destruction of any of the books, records, or documents not considered to be essential at a time prior to the expiration of the period as aforesaid.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” in subsections (a), (b)(1), (b)(2), and (c), and “subsection” in subsections (b)(1) and (c) pursuant to 1 CMC § 3806(f). The Commission struck the figure “7” from subsection (c) pursuant to 1 CMC § 3806(e). The Commission inserted commas after the word “records” in subsections (a), (b)(1), (b)(2), (c), and (c)(2) pursuant to 1 CMC § 3806(g).

§ 160-20.1-2120 Keeping of Bank Accounts

(a) A casino operator will keep and maintain separate bank accounts as approved by the Commission in a bank in the Commonwealth of the Northern Mariana Islands for use for all banking transactions relating to the operations of the casino complex or the casino.

(b) A casino operator will disclose and seek approval for all other bank accounts held, off-island by the operator or licensee in which funds are deposited for gambling play on behalf of the

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player, junket operator or for investment purposes of the casino complex.

(c) Upon execution of an appropriate waiver, consistent with “The Right to Financial Privacy Act,” 12 U.S.C. § 3401 et seq. and 4 CMC § 6454, an applicant or licensee shall be deemed to have given to the Commission an unconditional and irrevocable grant of authority to inspect, on demand, and without notice to such applicant or licensee, the applicant’s or licensee’s bank accounts and bank records wherever said bank is located as well as a grant by an applicant or licensee to its bank of indemnification for the release of any such otherwise confidential information.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” in subsections (a) and (b) pursuant to 1 CMC § 3806(f).

§ 160-20.1-2125 Accounts to be Kept

A casino operator must:

- (a) Keep correctly recorded accounting records that accurately explains the transactions and financial position of the operation of the casino complex or the casino; and
- (b) Keep its accounting records in such a manner as will enable;
 - (1) True and fair financial statements and accounts to be
 - (2) That the casino operator’s financial statements and prepared from time to time; accounts to be conveniently and properly audited by a US Certified Public Accountant at the request of the commission.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” in the introduction, and subsections (a) and (b)(2) pursuant to 1 CMC § 3806(f).

§ 160-20.1-2130 Financial Statements and Account

A casino operator must prepare financial statements and accounts that is a true and fair view of its financial operations in respect to the casino complex or the casino; the financial statements and accounts must include:

- (a) Trading accounts, where applicable for the financial year;
 - (i) Which include a separated listing of all the local businesses that the casino licensee does trade with;
 - (ii) Which include the percentages of trade conducted with each local business, so as to prove compliance with section 160-20.1-605(e).
- b) Profit and loss accounts for the financial year; and

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- c) Balance sheet at the end of the financial year.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” in the introductory paragraph pursuant to 1 CMC § 3806(f).

§ 160-20.1-2135 Submission of Reports

- (a) A casino operator must submit to the Executive Director, at such times as are prescribed by the Commission, reports relating to the operations of the hotel/casino complex or the casino.

(b) If Executive Director determines that any such report is not in compliance with required information, the Executive Director may instruct the casino operator to submit information as necessary to be in compliance within a time determined by the Executive Director; the casino operator must supply the additional information within the time determined.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the words “casino” in both subsections and “hotel” in subsection (a) pursuant to 1 CMC § 3806(f).

§ 160-20.1-2140 Audit Provisions

- (a) A casino operator must at his own expense cause his books, accounts, and financial statements relating to the operations of the casino or casino* to be audited by a person who:

- (1) Is a US certified public accountant; and
- (2) Is approved by the Commission.

(b) The auditor must complete the audit within four months of the close of the financial year and immediately upon completion thereof submit all reports to casino operator and the Commission.

* So in original.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission corrected the capitalization of the word “casino” in subsections (a) and (b) pursuant to 1 CMC § 3806(f). The Commission struck the figure “4” from subsection (b) pursuant to 1 CMC § 3806(e).

§ 160-20.1-2145 Wider Application of Certain Provisions of this Part

- (a) In this section, reference to “person other than the actual operator” is a reference to a casino licensee or a lessee under a casino lease or to each of them a casino licensee and a lessee under a casino lease, as the case requires, where there is either a casino lease or a casino management agreement or both.

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(b) The provision of sections 160-20.1-2115 to 160-20.1-2140 apply to and impose obligations and liabilities on a person other than the actual operator in respect of all matters relating to the operations of the casino complex or the casino, according to its interest or association therewith to the same extent in all respects as they do in the case of the casino operator under a casino management agreement.

History: Adopted 31 Com. Reg. 29253 (Mar. 26, 2009); Proposed 30 Com. Reg. 28995 (Dec. 22, 2008).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the word “casino” in subsections (a) and (b) pursuant to 1 CMC § 3806(f).