

**TITLE 170: LOCAL RULES AND REGULATIONS; TINIAN AND AGUIGUAN
(SECOND SENATORIAL DISTRICT)**

**SUBCHAPTER 170-30.2
CASINO APPLICATION AND LICENSURE REGULATIONS**

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Subchapter Authority: Revised Tinian Gaming Control Act of 1989 §§ 5(8)(c) and 121.

Subchapter History: Amdts Adopted 38 Com. Reg. 37487 (Jan. 28, 2016); Amdts Proposed 37 Com. Reg. 36936 (Sept. 28, 2015); Amdts Adopted 37 Com. Reg. 36785 (July 30, 2015); Amdts Proposed 36 Com. Reg. 35497 (Sept. 28, 2014); Amdts Adopted 37 Com. Reg. 36020 (Feb. 28, 2015); Amdts Proposed 36 Com. Reg. 35988 (Dec. 28, 2014); Amdts Adopted 25 Com. Reg. 21402 (Sept. 18, 2003); Amdts Proposed 25 Com. Reg. 20691 (July 15, 2003); Amdts Adopted 25 Com. Reg. 20082 (Mar. 31, 2003); Amdts Proposed 24 Com. Reg. 19379 (June 17, 2002); Amdts Adopted 21** Com. Reg. 16569 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16390 (Dec. 15, 1998); Amdts Proposed 18 Com. Reg. 14033 (Mar. 15, 1996); Amdts Adopted 17 Com. Reg. 13663 (Aug. 16, 1995); Amdts Proposed 14 Com. Reg. 8763 (Feb. 15, 1992); Amdts Adopted 17 Com. Reg. 13521 (June 15, 1995); Amdts Proposed 17 Com. Reg. 13241 (Apr. 15, 1995); Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations);* Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992);* Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992);* Amdts Adopted 13 Com. Reg. 8555 (Dec. 15, 1991); Amdts Proposed 13 Com. Reg. 7802 (July 15, 1991); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991); Adopted 13 Com. Reg. 7854 (Aug. 15, 1991); Proposed 13 Com. Reg. 7686 (May 15, 1991).

*The January 1994 proposed amendments superseded the July 1992 and May 1992 proposed amendments. A notice of adoption for the January 1994 proposed amendments was never published.

**Commonwealth Register volume 21, number 2, pages 16459- 16571 are mislabeled as volume 20.

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Commission Comment: The Tinian Casino Gaming Control Act of 1989, Tinian Local Initiative 1 (effective Jan. 1, 1990) is codified at 10 CMC §§ 2511-25129. On August 18, 1993, the Superior Court issued an order approving and adopting a Revised Tinian Casino Gaming Control Act of 1989 (Revised Act). See *Commonwealth v. Tinian Casino Gaming Control Comm'n*, Civ. No. 91-0690 (N.M.I. Super. Ct. Aug. 18, 1993) (Order Approving and Adopting the Revised Tinian Casino Gaming Control Act of 1989), reprinted in the commission comment to 10 CMC § 25129.

The Revised Act § 5(1) establishes the Tinian Casino Gaming Control Commission (TCGCC), charged with the administration of the Revised Act. Section 5(8)(c) grants TCGCC the responsibility to promulgate such regulations as in its judgment may be necessary to fulfill the policies of the Revised Act, in accordance with Commonwealth law. Revised Act § 121 further delineates the regulations TCGCC is authorized to promulgate.

Prior to 1991, the Tinian Casino Gaming Control Commission published emergency and proposed “Regulations Regarding Application Form for a Casino License and Fee for Obtaining an Authorized Application.” Notices of permanent adoption were never published. The history of these regulations is as follows: Emergency and Proposed 12 Com. Reg. 7230 (Aug. 15, 1990) (effective for 120 days from July 11, 1990);** Emergency and Proposed 12 Com. Reg. 7204 (July 15, 1990) (effective for 120 days from June 29, 1990).

**Commonwealth Register volume 12, number 8, pages 7205-7273 are mislabeled as number 7.

Tinian Local Law 14-1 (effective May 24, 2004) significantly amended the Revised Tinian Casino Gaming Control Act of 1989. These regulations have not been updated to conform with TLL 14-1. To the extent these regulations conflict with TLL 14-1, they are superseded.

In July 2015 the Tinian Casino Gaming Control Commission adopted regulations regarding the appointment of an administrator for the casino. 37 Com. Reg. 36785 (July 30, 2015). The regulations were proposed as amendments to the personnel regulations at Subchapter 170-30.5. 36 Com. Reg. 35497 (Sept. 28, 2014). Pursuant to 1 CMC §3806(b), however, the Law Revision Commission codified these regulations in part 1000 of subchapter 170-30.2 to fit harmoniously within the code. The Law Revision Commission numbered the regulations to conform to the numbering scheme of the code pursuant to 1 CMC § 3806(a).

Part 001 - General Provisions

[Reserved.]

Part 100 - License and Registration Requirements

§ 170-30.2-101 Casino Licenses

(a) No person shall own or operate a casino unless a casino license shall have first been issued to every person eligible to apply for a casino license concerning the said casino.

(b) Only the following persons shall be eligible to apply for a casino license:

(1) Any person who either owns 100 percent of an approved hotel or owns or has a contract to purchase or construct a hotel which in the judgment of the Tinian Casino Gaming Control Commission (Commission) can become an approved hotel within 30 months unless otherwise extended by the Commission;

(2) Any person who in accordance with § 21 of the Tinian Casino Gaming Control Act of 1989 (Act), whether under terms involving payments of a fixed sum or otherwise and whether as either a lessor or a lessee, either leases 100 percent of an approved hotel or leases or has an agreement to lease 100 percent of a hotel which in the judgment of the Commission can become

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an approved hotel with 30 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 § 22 of the Act, whether under terms involving payments of a fixed sum or otherwise, and either owns 100 percent of or controls any approved hotel; and

(4) Any other person who is eligible in accordance with part III or any other provision of the Act.

(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 regulations of the Commission:

(1) Have been incorporated in the Commonwealth of the Northern Mariana Islands (CNMI);

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

(3) Comply with all 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 the purposes stated the conduct of casino gaming;

(7) If not a publicly traded corporation, establish by appropriate charter or bylaw provisions 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 intermediary company or subsidiary thereof, such corporations and companies shall have the absolute right to repurchase same; and

(8) If a publicly traded corporation, establish by appropriate charter or, bylaw provisions that, upon Commission disqualification of any holder of any security of the applicant corporation, such holder shall dispose 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.

Modified, 1 CMC § 3806(f).

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: The January 1994 proposed amendments superseded amendments proposed in May 1992 and July 1992 and proposed to readopt the Casino Application and Licensure Regulations codified in this subchapter in their entirety with numerous amendments. A notice of adoption has not been published and, therefore, the Commission has not incorporated the proposed changes.

The Commission inserted a comma after the word “of” in subsection (c)(7) pursuant to 1 CMC § 3806(g).

§ 170-30.2-105 Casino Service Industry Licenses

(a) No enterprise shall, on a regular or continuing basis, provide any goods or services to or

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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 or playing or dealing techniques unless a separate casino service industry license authorizing the particular gaming school shall have first been issued to the casino licensee.

(c) The following casino service industry enterprises shall be required to be licensed as casino service industries in accordance with § 47 of the Act:

(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, servicers, and repairers; and

(4) All casino hotel 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; and

(12) All limousine service enterprises.

(d) The Commission may exempt any person or field of commerce from the casino service industry licensing requirements of § 47 of the Act if it finds:

(1) That such person or field of commerce is regulated by a public agency; and

(2) That licensure is not necessary to protect the public interest; and

(3) That licensure is not necessary to accomplish the policies established by the Act.

Modified, 1 CMC § 3806(f).

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

The Commission inserted commas after the words “services” in subsection (a), “servicers” in subsection (c)(3), and “food” in subsection (c)(6) pursuant to 1 CMC § 3806(g).

§ 170-30.2-110 Employee Licenses

(a) No natural person shall be employed in the operation of a licensed casino in a supervisory

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capacity or empowered to make discretionary decisions which regulate casino operation unless he shall be over 21 years of age and unless a casino key employee license authorizing the particular position of employment shall have first been issued to him in accordance with § 31 of the Act. While excluding casino employees as defined in the Act, this category includes:

- (1) Pit bosses;
- (2) Shift bosses;
- (3) Supervisors;
- (4) Cashiers;
- (5) Casino managers;
- (6) Casino assistant managers;
- (7) Supervisors of casino security employees;
- (8) Any employee of a casino licensee empowered to procure or purchase or contract for any entertainment, food, beverages, supplies, equipment, furnishings, or any other goods or services whatsoever involving an annual expenditure of \$500.00 or greater;
- (9) Junket representatives; and
- (10) Any employee whatsoever of a casino licensee so designated by the Commission.

(b) No natural person shall be employed in the operation of a licensed casino whose employment duties require or authorize access to the casino unless he shall be over 21 years of age and unless a casino employee license authorizing the particular position of employment shall have first been issued to him in accordance with § 31 of the Act. This category includes:

- (1) Boxmen;
- (2) Dealers;
- (3) Croupiers;
- (4) Floormen;
- (5) Tellers;
- (6) Countroom personnel;
- (7) Any natural person employed by a casino or its agent to provide physical security in a casino hotel; and
- (8) 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 employed in the casino area which includes without limitation, the casino floor, cashier's cage, countrooms, 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 the 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 casino/hotel complex, shall be numerically controlled and shall permit the prominent display of the information contained on the license credential. Thirty days prior to the use of any such holder, a casino licensee or permittee shall submit a prototype to the Commission along with a narrative description of the proposed manner

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in which employees will be required to wear such holder.

(f) In those situations where a license credential is lost or destroyed, a casino key or casino 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) For any violation of subsections (c) and (d) of this section, the Commission may impose the sanctions authorized by the Act.

Modified, 1 CMC § 3806(c), (g).

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

In subsections (b)(5) and (b)(6), the Commission inserted the final semi-colons. The Commission inserted commas after the words “furnishings” in subsection (a)(8) and “eye-in-the-sky” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 170-30.2-115

[Reserved.]

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

Part 200 - Casino Hotel Facilities

§ 170-30.2-201 Impact of Facilities

No casino license shall be issued unless the Commission shall have first been satisfied of that:

- (a) That the casino, its related facilities, and its proposed location are suitable;
- (b) That the proposed casino hotel will not adversely affect other licensed casino operations or facilities;
- (c) That the proposed facilities comply in all respects with all requirements of the Act and the regulations of the Commission;

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- (d) That the proposed facilities comply in all respects with all requirements of the master plan of the Municipality of Tinian and Aguiguan.
- (e) That the patron market is adequate; and
- (f) That the proposal will not adversely affect overall environmental, economic, social, demographic or competitive conditions or natural resources of either Tinian or the Commonwealth.

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

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

§ 170-30.2-205 The Hotel

No casino license shall be issued unless the casino shall be located within an approved hotel which conforms in all respects to all facilities requirements of the Act and the regulations of the Commission, unless such approved hotel:

- (a) Is under one ownership;
- (b) Is a single building located within Tinian with or without additional buildings or facilities annexed by means of physical connection;
- (c) Contains not fewer than 300 sleeping units of at least 325 square feet each held available and used regularly for the lodging of tourists and convention guests;
- (d) Contains the minimum amount of indoor dining; entertaining, and sports facilities space;
- (e) Contains a casino room of a minimum of 10,000 square feet conforming in all respects to the entrance and visibility requirements set forth in the Act, and the facilities of which are arranged to promote maximum patron comfort and optimum casino operational security and an atmosphere of social graciousness;
- (f) Contains a closed circuit television system;
- (g) Contains specifically designated and secure areas for the inspection, repair, and storage of gaming equipment;
- (h) Contains a count room and such other secure facilities for the inspection, counting, and

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storage of cash, coins, tokens, checks, dice, cards, chips, and other representatives of value; and

(i) 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 this requirement any casino room in any building if it is satisfied that same contains an acceptable approved alternative and that such an exemption would not be inimical to the policy of this Act and of the regulations of the Commission;

(j) Contains facilities suitable for all family, cabaret and pub entertainment requirements; and

(k) Complies with the Tinian Master Plan and all Commonwealth and local laws and ordinances.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

In subsection (k), the Commission changed “comply” to “complies” to correct a manifest error. The Commission inserted commas after the words “entertaining” in subsection (d), “repair” in subsection (g), “counting” and “chips” in subsection (h), and “cabaret” in subsection (j) pursuant to 1 CMC § 3806(g).

§ 170-30.2-210 Declaratory Rulings as to Proposed Casino Hotel Facilities

(a) Upon the petition of any person who owns, has a contract to purchase or construct, leases, or has an agreement to lease any building or site located within the limits of Tinian and who intends to and is able to complete a proposed casino hotel facility therein or thereon, the Commission may in its discretion make a declaratory ruling as to whether or not the conformance of the proposed casino hotel facility to any of the facilities requirements of the Act and the regulations of the Commission has been established by clear and convincing evidence.

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

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

(d) A declaratory ruling as to a proposed casino hotel facility shall bind the Commission and the parties to the proceedings on the statement of facts set forth therein and shall be deemed a

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final action provided, however, that no casino license shall be issued concerning any such casino hotel facility unless compliance with every requirement 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 first have paid in full a fee of not less than \$5,000 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.

Modified, 1 CMC § 3806(g).

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: In subsection (b), the Commission moved the final period inside of the closing quotation mark. The Commission inserted commas after the words “leases” in subsection (a), “documentation” in subsection (b), and “proper” in subsection (e) pursuant to 1 CMC § 3806(g).

See the commission comment to § 170-30.2-101.

§ 170-30.2-215 Duty to Maintain and Operate a Superior Quality Facility

Every casino licensee shall have a continuing duty to maintain and operate its entire convention hotel complex as a facility of a superior, exceptional, first class, five star and deluxe quality, to submit the said complex to periodic inspections by the Commission, and to promptly comply with all requirements and directives of the Commission relating to the maintenance and operation of the said complex as a facility of a superior and first class quality.

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

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

Part 300 - Persons Required to Be Qualified

§ 170-30.2-301 Casino Licenses

No casino license shall issue unless the individual qualifications of each of the following persons shall have first been established in accordance with all provisions, including those cited, of the Act and of the regulations of the Commission:

(a) Each applicant for and person required to apply for a casino license in accordance with

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the casino license standards as set forth in § 17 of the Act;

(b) Each of the following financial sources, either in effect or proposed, of, in or to the submitted casino proposal in accordance with the casino license standards as set forth in § 17(b) of the Act;

- (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;

- (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 the corporation or elect a majority of the board of directors of that corporation, other than a banking or other licensed lending institution which holds a mortgage or other lien acquired in the ordinary course of 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 non-corporate holding company of and non-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 qualification.

Modified, 1 CMC § 3806(g).

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History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: In subsection (a), the Commission deleted the repeated word “a.” The Commission inserted commas after the words “notes” in subsection (b)(5) and “agent” in subsection (c)(6) pursuant to 1 CMC § 3806(g).

See the commission comment to § 170-30.2-101.

§ 170-30.2-305 Casino Service Industry Licenses

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

- (a) In the case of casino service industry licenses issued in accordance with § 47 of the Act;
 - (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 in accordance with the casino employee standard.

Modified, 1 CMC § 3806(g).

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: In the opening paragraph, the Commission deleted the repeated word “the.” The Commission inserted a comma after the word “personnel” in subsection (a)(1) pursuant to 1 CMC § 3806(g).

See the commission comment to § 170-30.2-101.

§ 170-30.2-310 Employee Licenses

No employee license shall issue unless the individual qualifications of the natural person applying therefor shall have first been established in accordance with the standards of the Act and of the regulations of the Commission.

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

§ 170-30.2-315

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[Reserved.]

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

Part 400 - Standards for Qualifications

§ 170-30.2-401 Scope

No license shall issue unless each person required to qualify shall have first qualified in accordance with the following standards applicable to the said person as set forth in the Act and the regulations of the Commission.

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

§ 170-30.2-405 Casino and Employee Licensing 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 Act.

(2) Any applicant or licensee shall provide all information required by the Act 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 by the Commission and to cooperate in any inquiry or investigation conducted by the 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

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resources to both construct and operate the casino hotel.

(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 10 year period immediately proceeding* the filing of the application.

* So in original.

(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 applicant to prove by clear and convincing evidence that the applicant is qualified in accordance with the provisions of the Act.

(2) Failure of the applicant to provide information, documentation, or assurances required by the Act or 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 offense in any jurisdiction which would be:

| | |
|------------------|---|
| 6 CMC 1101 | Murder |
| 6 CMC 1203 | Aggravated Assault and Battery |
| 6 CMC 1301 | Rape |
| 6 CMC 1309 | Rape by object |
| 6 CMC 1311 | Sexual abuse of a child |
| 6 CMC 1323 | Child pornography |
| 6 CMC 1411 | Robbery |
| 6 CMC 1421 | Kidnapping |
| 6 CMC 1432 | Usurping control of aircraft |
| 6 CMC 1433 | Mutiny on a vessel |
| 6 CMC 1601(b)(1) | Theft of property or services in excess of \$20,000.00 or more |
| 6 CMC 1603 | Theft by deception |
| 6 CMC 1604 | Theft by extortion |
| 6 CMC 1606 | Receiving stolen property |
| 6 CMC 1607 | Theft of services |
| 6 CMC 1608 | Theft by failure to make required disposition of funds received |
| 6 CMC 1701 | Forgery |
| 6 CMC 1705 | Deceptive business practices |
| 6 CMC 1707 | Counterfeiting |

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| | |
|--------------------------|---|
| 6 CMC 1802 | Arson and related offenses |
| 6 CMC 2141(a) and (b)(1) | Offenses and penalties for illegal drug use |
| 6 CMC 2143 | Commercial offenses - drug offenses |
| 6 CMC 2144 | Fraud offenses - manufacture/distribution penalties |
| 6 CMC 2145 | Attempt and conspiracies drug offenses |
| 6 CMC 2147 | Distribution to persons under 18 |
| 6 CMC 3155 | Gambling offenses prohibited |
| 6 CMC 3201 | Bribery |
| 6 CMC 3302 | Obstructing justice |
| 6 CMC 3303 | Obstructing justice - interference of services |
| 6 CMC 3304 | Tampering with judicial records or process |
| 6 CMC 3305 | Tampering with jury |
| 6 CMC 3366 | Perjury |

Conspiracies or attempts in conjunction with any offense listed above shall be disqualifying.

(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 Act 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 10 year period immediately proceeding* the application for licensure or any conviction which has been the subject of a judicial order of expungement or sealing.

* So in original.

(5) Current prosecution or pending charges in any jurisdiction of the applicant or of any person who is required to be qualified under this Act 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) The identification of the applicant or any person who is required to be qualified under this Act 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 Act and a casino operations. 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 as career offenders.

(7) The commission by the applicant or any person who is required to be qualified under this Act as a condition of a casino license of any act or acts which would constitute any offense under subsections (3) or (4), even if such conduct has not or may not be prosecuted under the criminal laws of the Commonwealth.

Modified, 1 CMC § 3806(d), (f), (g).

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991); Adopted 13 Com. Reg. 7854 (Aug. 15, 1991); Proposed

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13 Com. Reg. 7686 (May 15, 1991).

Commission Comment: In the June 1991 publication of the regulations codified in this part, § 1-4.2, codified in this section, stated: “Will be published separately from the regulations in this chapter.” See 13 Com. Reg. at 7745 (June 15, 1991). Section 1-4.2, codified in this section, had been previously published at the end of the May 1991 regulations, codified in subchapter 30.4 of this title. See 13 Com. Reg. at 7694-7696 (May 15, 1991).

In subsections (b)(4) and (b)(5), the Commission corrected the spelling of “expungement” and “pendency,” respectively. In subsection (b)(6), the Commission changed “defend” to “defined” and “is” to “as” to correct manifest errors. The Commission inserted commas after the words “documentation” in subsections (a)(4), (a)(5), (a)(6), (a)(7), and (b)(2), “bondholder” and “notes” in subsection (a)(5), “honesty” in subsection (a)(6), and “law” in subsection (a)(4) pursuant to 1 CMC § 3806(g).

See also the commission comment to § 170-30.2-101.

Part 500 - Statements of Compliance

§ 170-30.2-501 General Provisions

The Commission may in its discretion, issue a revocable statement of compliance to an applicant for any license certifying that all requirement 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 regulations of the Commission.

Modified, 1 CMC § 3806(f).

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

§ 170-30.2-505 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, as its date of issuance, the date as of which such compliance existed;
- (c) Set forth its date of expiration;
- (d) Indicate that it is automatically revoked without further Commission action as of the day following its date of expiration; and
- (e) Indicate that it may be revoked by the Commission upon a finding that a change of

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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.

Modified, 1 CMC § 3806(f).

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: The January 1994 amendments proposed to delete this section and § 170-30.2-510 and add new §§ 1:5.2-1:5.11 to this part. See 16 Com. Reg. at 11645-11649 (Jan. 15, 1994). A notice of adoption has not been published and, therefore, the Commission has not incorporated the proposed changes. See also the commission comment to § 170- 30.2-101.

§ 170-30.2-510 Issuance of Licenses

No license shall be issued to any person to whom a statement of compliance has been issued unless every qualification of such person as of the time of the issuance of such license shall have first been established in accordance with the Act and regulations of the Commission.

Modified, 1 CMC § 3806(f).

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: The January 1994 amendments proposed to delete this section and § 170-30.2-505 and add new §§ 1:5.2-1:5.11 to this part. See 16 Com. Reg. at 11645-11649 (Jan. 15, 1994). A notice of adoption has not been published and, therefore, the Commission has not incorporated the proposed changes. See also the commission comment to § 170- 30.2-101.

Part 600 - Information

§ 170-30.2-601 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 Act and regulations of the Commission. No application shall be granted to any applicant who fails to so prove his qualifications.

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

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

§ 170-30.2-605 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 disqualification. No application shall be granted to any applicant who fails to provide information, documentation, and assurances required by the Act or requested by the Commission or who fails to reveal any fact material to qualification.

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

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

§ 170-30.2-610 Disposition of Property of a Casino Licensee or Applicant for a Casino License

It shall be an affirmative responsibility of each casino licensee or applicant for a casino license, as this term is defined in (b)* below, to:

(a) Submit to the Commission a copy of all agreements regarding the lease or purchase of, or the option to lease or purchase, any residential, or other property in Tinian licensee or applicant, or any affiliate of the license or applicant. Such submission shall be provided within two days of the execution of the agreement:*

*So in original.

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: It appears that some portion of this section was omitted in the original publication. See 13 Com. Reg. at 7746 (June 15, 1991). A subsection (b) was not published.

See the commission comment to § 170-30.2-101.

§ 170-30.2-615 Duty to Promptly Furnish Information

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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. Failure to furnish same within five days after receipt of request therefore shall constitute grounds for delaying consideration of the application.

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

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

§ 170-30.2-620 Consent to Inspections, Searches, and Seizures

Each applicant, licensee, holding company, and intermediary company shall consent in writing to inspections, searches, and seizures authorized by law.

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

The Commission inserted commas after the words “company” and “searches” pursuant to 1 CMC § 3806(g).

§ 170-30.2-625 Waiver of Liability for Disclosure of Information

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

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

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

§ 170-30.2-630 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

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be deemed necessary by the Commission.

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

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

§ 170-30.2-635 Fingerprinting

Each applicant, licensee, and person required to be qualified shall be fingerprinted without charge and in duplicate on fingerprint impression card forms provided by the Commission and marked “noncriminal.” One of the said forms shall be filed with the Commission and one shall be filed with the Municipal Police Department.

Modified, 1 CMC § 3806(g).

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: The Commission moved the period after “noncriminal” inside of the closing quotation mark.

See the commission comment to § 170-30.2-101.

§ 170-30.2-640 Photographing

Each applicant, licensee, and person required to be qualified shall be photographed without charge and 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: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

§ 170-30.2-645 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.

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Modified, 1 CMC § 3806(g).

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

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

See the commission comment to § 170-30.2-101.

§ 170-30.2-650 Oath or 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) 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 punishment.” 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.

Modified, 1 CMC § 3806(g).

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

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

See the commission comment to § 170-30.2-101.

§ 170-30.2-655 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 qualification criteria.

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug.

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15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

§ 170-30.2-660 Signatures

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

- (a) If of a corporation, by its president, its chairman of the board, any other chief executive officer thereof, its secretary, and its treasurer;
- (b) If of 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: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

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

§ 170-30.2-665 Form of Signature

All signatures shall be signed in 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: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

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

§ 170-30.2-670 Form of Application

Each applicant, licensee, or person required to be qualified shall provide all information in a

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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 the Commission.

NOTE: These forms, the statement and the proposal, are not reproduced herein, but can be obtained from:

Tinian Casino Gaming Control Commission
P.O. Box 143
San Jose Village
Tinian, MP 96952

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

The Commission inserted commas after the words “disclosure” and “statement” pursuant to 1 CMC § 3806(g).

§ 170-30.2-675 Format of Papers

All application papers submitted to the Commission shall be on paper approximately 8½ by 11 inches in size, of customary weight and quality and bound on the left margin or upper left corner in volumes not to exceed 150 sheets. Where larger sheets are required for exhibits, they shall be folded substantially to the size indicated. All such papers, unless printed, shall be typed in a type size of pica or larger and double-spaced with margins of at least one inch. Copies may be reproduced by any method capable of providing plainly legible copies.

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

§ 170-30.2-680 Number of Copies

(a) All original applications and other original papers relating thereto submitted to the Commission by the applicant, shall be accompanied by the following number of conformed copies:

- (1) In the case of a casino applicant and applicants for a gaming school license, four conformed copies of all personal history disclosure forms relating thereto and five conformed copies of all remaining documents;
- (2) In the case of an applicant for a casino service industry license, four conformed copies of all applications and papers submitted as a part thereof;
- (3) In the case of an applicant for a casino key employee license, two conformed copies of all applications and papers submitted as a part thereof;

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(4) In the case of an applicant for a casino employee license, one conformed copy of each application and papers submitted as a part thereof.

(b) Additional conformed copies of any such papers shall be supplied upon request of the Chairman.

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

Part 700 - Application

§ 170-30.2-701 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: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

§ 170-30.2-705 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 cause to be endorsed thereon the date of such filing. No application shall be deemed filed until the applicant shall satisfy the Chair or his or her designee:

(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 enterprise disclosure, and 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

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(e) That all required fees have been properly paid and all required bonds have been properly furnished.

Modified, 1 CMC § 3806(g).

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: In the opening paragraph, the Commission inserted the word “be” before “deemed” to correct a manifest error. The Commission inserted commas after the words “certification” in subsection (a), “disclosure” in subsection (b), “photographs” in subsection (c), and “assurances” in subsection (d) pursuant to 1 CMC § 3806(g).

See the commission comment to § 170-30.2-101.

§ 170-30.2-710 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, shall:

(a) Accept the application for filing and cause same to be docketed by the Executive Director of the Commission;

(b) 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 expectance for filing and docketing of the application shall constitute no evidence whatsoever that any requirement of the act or of the regulations of the Commission have been satisfied;

(c) Direct the staff 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.

Modified, 1 CMC § 3806(g).

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: In subsection (c), the Commission changed the final semi-colon to a period. The Commission inserted a comma after the word “obtain” in subsection (c) pursuant to 1 CMC § 3806(g).

See the commission comment to § 170-30.2-101.

§ 170-30.2-715 Public Inspection of Information

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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 regulations of the Commission.

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

§ 170-30.2-720 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 his or her 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 his or her designee to file any other amendment to his application at any time prior to final action thereon by the Commission.

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

§ 170-30.2-725 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 a written notice

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of withdrawal after the time specified herein if extraordinary circumstances so warrant.

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

§ 170-30.2-730 Re-application 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 of the Act, or due to a Commission finding that such person is disqualified under the criteria of the Act, or both, may not, except as otherwise provided in (b), (f), and (g)* below, reapply for licensure, qualification, or approval until five years have elapsed from the date of said denial or revocation.

*So in original.

(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: re-application 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.
- (3) Failure to satisfy age requirement: re-application 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: re-application is permitted after the lapse 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: re-application 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 re-application

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for licensure, qualification, or approval permitted under the provisions of this regulation.

Modified, 1 CMC § 3806(f).

History: Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Adopted 13 Com. Reg. 7855 (Aug. 15, 1991); Proposed 13 Com. Reg. 7736 (June 15, 1991).

Commission Comment: The original promulgation did not contain subsections (f) and (g) cited in subsection (a). See 13 Com. Reg. at 7751 (June 15, 1991). The Commission inserted commas after various forms of the word “qualify” in subsections (a), (b), (c), and (d) pursuant to 1 CMC § 3806(g).

See the commission comment to § 170-30.2-101.

Part 800 - Fees and Deposits

§ 170-30.2-801 General Description of Fees and Deposit Policy

(a) Operations of the Commission shall be financed exclusively from fees charged each fiscal year to applicants and licensees and shall not be funded from CNMI or municipality general funds. Generally, the Act divides fees into two broad categories: those pertaining to casino licenses and those pertaining to all other forms of licensure or approval. The Commission shall establish, by regulation, fees for the application, issuance, and renewal of all licenses.

(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 investigating and considering applications for individual employee licenses and casino service industry licenses will frequently exceed the amount which those applicants and licensees may fairly be required to pay as fees. The fee structure established by the regulations in this subchapter 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. However, since individual employees and casino service industry enterprises cannot always be expected to cover the full amount expended and since a portion of the costs incurred by the Commission pertain to the industry generally, there will be an amount of the annual budget which will not be recoverable through specified fees for particular services.

(d) Given the mandate of the Act to recover the cost of maintaining control and regulatory activities from license fees and given the fact that all such activities are undertaken for the direct or indirect benefit or protection of casino operations, the obligation to supply additional funds necessary to recover the otherwise uncollected expenditures of the Commission should be spread among the licensed casino facilities or applicants for casino licenses. By their nature the agency activities generating the otherwise uncollected expenditures are not attributable to any specific

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casino operation and they produce benefits for all such operations, for example, by creating a pool of licensed individuals to employ and enlarging the class of licensed casino service industries to contract with for goods and services. Thus, it is reasonable to apportion the otherwise uncollected costs equally among the licensed casino facilities and applicants for casino licenses subject to appropriate adjustment where a particular facility is not licensed for an entire fiscal year or where a change of ownership or control of casino operations occurs during the fiscal year which necessitates additional investigation.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 17 Com. Reg. 13663 (Aug. 16, 1995); Amdts Proposed 14 Com. Reg. 8763 (Feb. 15, 1992); Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Amdts Adopted 13 Com. Reg. 8555 (Dec. 15, 1991); Amdts Proposed 13 Com. Reg. 7802 (July 15, 1991).

Commission Comment: The 1995 amendments amended subsection (a).

See the commission comment to § 170-30.2-101.

The Commission inserted a comma after the word “issuance” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 170-30.2-805 Fiscal Year

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

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 17 Com. Reg. 13663 (Aug. 16, 1995); Amdts Proposed 14 Com. Reg. 8763 (Feb. 15, 1992); Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Amdts Adopted 13 Com. Reg. 8555 (Dec. 15, 1991); Amdts Proposed 13 Com. Reg. 7802 (July 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

§ 170-30.2-810 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. Pursuant to § 49 of the Act, no license, other than a casino license, may be renewed later than the date of 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.

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History: Amdts Adopted 17 Com. Reg. 13663 (Aug. 16, 1995); Amdts Proposed 14 Com. Reg. 8763 (Feb. 15, 1992); Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Amdts Adopted 13 Com. Reg. 8555 (Dec. 15, 1991); Amdts Proposed 13 Com. Reg. 7802 (July 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

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

§ 170-30.2-815 Payment of Fees and Deposits

(a) No application shall be accepted for filing or processed by the Chairman except upon the proper and timely payment of all required fees and deposits in accordance with the Act and the regulations in this subchapter. Any portion of an application fee or deposit which is incurred or determined after the filing of the application or which is estimated in accordance with this part 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 the regulations in this subchapter, failure to timely remit fees or deposits required under this part 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 an extension of time in which to remit the amount due. Except as otherwise provided, failure to remit the full amount of a fee or deposit required under this section within 30 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 part shall be paid by check or money order made payable to the “Tinian Municipal Treasurer” and presented to the Commission at its offices. No 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 licensing cost deposits shall be made payable to the “Tinian Casino Gaming Commission” and presented to the Commission which shall be deposited into a trust account designated solely for investigative work. All casino license application fees and licensing cost deposits shall be payable only by cashier’s check, certified check, or money order.

(d) All investigative fees shall be paid by certified check only, and shall be made out to the TINIAN CASINO GAMING CONTROL COMMISSION. Investigative fees collected by the Commission from license applicants shall be deposited into the Trust account. Funds from the Trust Account must be transferred to the Checking Account when an itemized billing statement for costs associated with investigative services has been submitted to the Commission. Funds from the checking account shall be expended only for fees and expenses relating to the investigation of an application of suitability for a casino gaming licensee, corporate qualifier, casino key employee, or other license. Expenses relating to an investigation includes but is not limited to attorney fees, accountant fees, administrative expenses, investigative agencies, and

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other professional services which are incurred by the Executive Director or the Commission and which relate to a determination of the applicant's suitability to obtain or retain a license required under the Tinian Gaming Act.

- (1) The Commission must open a trust account and checking account at a bank located within Tinian and is a member of the FDIC.
- (2) The trust account name must be "The TCGCC Investigative Fee Trust Account" and the checking account name must be "The TCGCC Investigative Fee Checking Account".
- (3) There must be two signatures on the trust account and checking account:
 - (i) The Chairman: and
 - (ii) The Executive Director.
 - (iii) The Vice Chairman shall be an alternative should the Chairman be unavailable.
- (4) The TCGCC Fiscal Affairs Officer must keep an INVESTIGATIVE FEE PAYMENT LOG BOOK for the purpose of record keeping and accounting of all checks received by the TCGCC as payment for investigative services.
- (5) The TCGCC Fiscal Affairs Officer must issue a receipt upon receiving payment.
- (6) The TCGCC Fiscal Affairs Officer must immediately transmit the payment and a copy of the receipt to the TCGCC Accountant.
- (7) The TCGCC Accountant must keep an INVESTIGATIVE FEE DEPOSIT LOG BOOK.
- (8) The TCGCC Accountant must deposit all investigative fee payments into the trust account within 24 hours.
- (9) The TCGCC Accountant must make deposits into the checking account when payment(s) for investigative services must be issued.
- (10) The TCGCC Accountant must prepare all checks for signature by the Chairman and the Executive to be accompanied with a corresponding billing statement for payment of investigative services rendered.
- (11) The Fiscal Affairs Officer and Accountant, respectively, must prepare a quarterly financial report and an annual financial report for the Commission's review.

Modified, 1 CMC § 3806(a), (d), (g).

History: Amdts Adopted 38 Com. Reg. 37487 (Jan. 28, 2016); Amdts Proposed 37 Com. Reg. 36936 (Sept. 28, 2015); Amdts Adopted 17 Com. Reg. 13663 (Aug. 16, 1995); Amdts Proposed 14 Com. Reg. 8763 (Feb. 15, 1992); Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Amdts Adopted 13 Com. Reg. 8555 (Dec. 15, 1991); Amdts Proposed 13 Com. Reg. 7802 (July 15, 1991).

Commission Comment: The 1995 amendments amended subsections (b) and (c).

See the commission comment to § 170-30.2-101.

The Commission inserted a comma after the word "check" in subsection (c) pursuant to 1 CMC § 3806(g).

The 2016 amendments did not enumerate subsections (a) or (b) of this section. Accordingly, the Commission left subsections (a) and (b) unchanged, amended subsection (c), and added subsection (d). To correct a manifest error, the Commission moved the quotation marks in subsection (c) to enclose "Tinian Casino Gaming Control Commission" rather than enclosing the rest of the sentence. The Commission formatted the numbering in subsection (d) to reflect the scheme of the code.

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§ 170-30.2-820 Casino License Fees and Deposits

- (a) No application for the issuance of a casino license shall be accepted for filing by the Commission unless a non-refundable application fee of \$200,000 and a deposit against licensing costs of \$100,000 shall first have been paid, in full, to the Commission.
- (b) No conditional or plenary casino license shall be issued or renewed unless an annual license fee of \$500,000 or the prorated portion thereof for an initial license issuance, shall first have been paid, in full, to the Commission.

History: Amdts Adopted 25 Com. Reg. 20082 (Mar. 31, 2003); Amdts Proposed 24 Com. Reg. 19379 (June 17, 2002); Amdts Adopted 17 Com. Reg. 13663 (Aug. 16, 1995); Amdts Proposed 14 Com. Reg. 8763 (Feb. 15, 1992); Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Amdts Adopted 13 Com. Reg. 8555 (Dec. 15, 1991); Amdts Proposed 13 Com. Reg. 7802 (July 15, 1991).

Commission Comment: The 1995 amendments amended subsection (a). The 2003 amendments amended subsections (a) and (b).

See the commission comment to § 170-30.2-101.

§ 170-30.2-825 Special Fee Assessments for General Operations of the Commission

- (a) To the extent possible, funding for general operations of the Commission shall be derived from annual casino license fees, other license fees and casino license application fees. However, when amounts received from these set fees are insufficient to fund Commission operations, the provisions of this section shall apply.
- (b) One month prior to the beginning of each new calendar quarter, the Commission shall determine previously received funds, not including licensing cost deposits described in § 170-30.2-830, estimated to be available to fund operations of the Commission during the next quarter. Simultaneously, an estimate of operational funds required for the next quarter, not including license application processing costs, shall be prepared from the Commission's approved budget. When a funding shortfall is projected, the deficit shall be shared equally by all current casino license holders and applicants in the form of a special fee assessment.
- (c) The Commission shall advise each license holder and applicant of the special fee assessment not later than the tenth day of the month preceding the beginning of a new calendar quarter. Payment of said special fee shall then be due and payable at the office of the Commission no later than the last working day of the month preceding the beginning of the new calendar quarter.
- (d) Initial implementation of this section may result in these special fee assessments being made at times other than as specified in subsection (c), as the Commission will attempt to phase in these provisions as determined appropriate. However, any special fee assessed for general

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operations shall allow a minimum of twenty calendar days for remittance and, within six months of implementation, the regular quarterly cycle described in subsections (b) and (c) shall be fully implemented.

(e) For purposes of this section, a calendar quarter is any consecutive three month period which begins with the first day of January, April, July, or October.

Modified, 1 CMC § 3806(c), (e), (g).

History: Amdts Adopted 17 Com. Reg. 13663 (Aug. 16, 1995); Amdts Proposed 14 Com. Reg. 8763 (Feb. 15, 1992); Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992).

Commission Comment: In subsection (c), the Commission corrected the spelling of “preceding.”

See the commission comment to § 170-30.2-101.

The Commission inserted a comma after the word “July” in subsection (e) pursuant to 1 CMC § 3806(g).

§ 170-30.2-830 Costs of Processing a Casino License Application

(a) 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, actual licensing costs shall include but not be limited to the following:

- (1) Professional fees and expenses incident to investigation of all parties subject to licensing standards;
- (2) Expenses incident to 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
- (3) An hourly charge, including a reasonable allowance for overhead, for all time expended by individual TCGCC Commissioners and staff directly on processing of the affected license application, participation in investigation, report preparation, hearing preparation, hearing participation, and any other matter for which the time expended would not have been necessary were it not for the existence of the particular casino license application.

(b) If the Commission determines that actual costs of processing a casino license application will exceed the licensing cost deposit, the applicant will be notified to submit an additional deposit in an amount to be determined by the Commission based on an estimate of the amount of investigation and other expenses remaining. Such notification shall establish a date by which the additional deposit amount is to be remitted which allows a reasonable time of not less than fifteen days in which to comply.

(c) When the Commission determines that the processing of a casino license application is

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concluded due to issuance or denial of the license, acceptance of the applicant's withdrawal of the application, or for other reasons, any unexpended portion of the licensing costs deposit, including additional amounts required by the Commission subsequent to the initial filing, shall be refunded to the applicant along with a generalized accounting of expenses paid from deposited funds. To protect the confidentiality of investigation methodologies, such accounting to the applicant shall be limited to dates of payments, payees, and amounts paid.

(d) Prior or subsequent to issuance of a license, if a licensee or applicant proposes a change to the ownership, capitalization, or organizational structure of the licensee or applicant which, pursuant to the Act and in the sole judgment of the Commission, requires that additional investigation be undertaken, the Commission will notify the applicant of an amount and due date for remittance of a licensing cost deposit based on the estimated cost of additional investigation and other expenses. The disposition of this additional deposit amount shall be in accordance with other provisions of this section.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 17 Com. Reg. 13663 (Aug. 16, 1995); Amdts Proposed 14 Com. Reg. 8763 (Feb. 15, 1992); Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Amdts Adopted 13 Com. Reg. 8555 (Dec. 15, 1991); Amdts Proposed 13 Com. Reg. 7802 (July 15, 1991).

Commission Comment: The 1995 amendments added new subsections (a)(1) through (a)(3) and amended subsections (a) through (d).

See the commission comment to § 170-30.2-101.

The Commission inserted commas after the words "hearing" and "operators" in subsection (a), "participation" in subsection (a)(3), "application" and "payees" in subsection (c), and "capitalization" in subsection (d), and corrected the spelling of the word "judgment" in subsection (d) pursuant to 1 CMC § 3806(g).

§ 170-30.2-835 Licensing Costs of Pending Casino License Applications

(a) For purposes of payment of investigation and other licensing related costs, the provisions of this section shall apply to any casino license application which is pending at the time of adoption of this part and, in connection with which, fees and deposits of \$300,000 or more have previously been remitted to the Commission.

(b) The \$200,000 application fee and the \$150,000 licensing cost deposit referred to in § 170-30.2-820(a) shall be deemed to have been timely paid from amounts previously remitted.

(c) As investigations undertaken by the Commission prior to adoption of this part have resulted in preliminary investigative reports being received on all pending applications and the considerable actual costs paid by the Commission for such investigations have exceeded the aggregate licensing cost deposits of all pending applicants, all such deposits of pending applicants shall be considered as having been fully depleted. Pending applicants shall have no further liability with regard to the cost of investigative efforts expended through the filing of the

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preliminary investigative reports.

(d) Any additional licensing investigation or processing costs incurred or expected to be incurred with respect to a pending application after the filing of the preliminary report shall be individually assessed by the Commission and paid by the affected applicant in accordance with the provisions of § 170-30.2-830.

Modified, 1 CMC § 3806(c), (d).

History: Amdts Adopted 17 Com. Reg. 13663 (Aug. 16, 1995); Amdts Proposed 14 Com. Reg. 8763 (Feb. 15, 1992); Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Amdts Adopted 13 Com. Reg. 8555 (Dec. 15, 1991); Amdts Proposed 13 Com. Reg. 7802 (July 15, 1991).

Commission Comment: The 1995 amendments amended subsections (a) through (d).

See the commission comment to § 170-30.2-101.

§ 170-30.2-840 Machine Fees

(a) Machine fees defined in this section shall be assessed annually on all mechanical or video devices used as part of the games available for play by the patrons of the casino. These include, but are not limited to, slot machines, video poker machines, video roulette machines, pachinko machines, and any and all other video or mechanical or combination machines available for play by patrons in the casino.

(b) Fees for each machine defined in subsection (a) of this section shall be imposed on a declining scale based on the total number of machines in the casino. The following schedule shall apply to all machines in the casino. This fee must be remitted to the Commission by October 1st of each fiscal year.

| | |
|----------------------|---|
| Machines 1 – 100 | \$125.00 per year, per machine |
| Machines 101 – 300 | \$100.00 per year, per additional machine |
| Machines 301 or more | \$75.00 per year, per additional machine |

(c) Gaming Table Fees

(1) All casinos shall have at least one each of the following table games and may be permitted in their license to have more than the minimum:

- (i) Craps
- (ii) Roulette
- (iii) Black jack (twenty-one)
- (iv) Wheel (wheel of fortune, big six, etc.)
- (v) Asian game (pai gow, fan tan, etc.)

(2) Table fees shall be assessed annually on each gaming table available for play by the patrons in the casino at the rate of \$250.00 per table. In addition to the table games listed in subsection (c)(1), the gaming table fee shall also apply to any type of gaming table available for play by patrons inside of the casino.

(3) Table games permitted in the casino are not limited to those specifically identified in

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subsection (c)(1) and may include other games as approved by the Commission including, by way of illustration only and not as a limitation, keno, bingo, chemin de fer, faro, chuck-a-luck, panguingui, poker, red dog, etc.

Modified, 1 CMC § 3806(c), (d), (f).

History: Amdts Adopted 25 Com. Reg. 21402 (Sept. 18, 2003); Amdts Proposed 25 Com. Reg. 20691 (July 15, 2003); Amdts Adopted 21 Com. Reg. 16569 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16390 (Dec. 15, 1998); Amdts Proposed 18 Com. Reg. 14033 (Mar. 15, 1996); Amdts Adopted 17 Com. Reg. 13663 (Aug. 16, 1995); Amdts Proposed 14 Com. Reg. 8763 (Feb. 15, 1992); Amdts Adopted 17 Com. Reg. 13521 (June 15, 1995); Amdts Proposed 17 Com. Reg. 13241 (Apr. 15, 1995); Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Amdts Adopted 13 Com. Reg. 8555 (Dec. 15, 1991); Amdts Proposed 13 Com. Reg. 7802 (July 15, 1991).

Commission Comment: The February 1999 amendments amended subsections (a), (b), and (c)(1). See also the commission comment to § 170-30.2-101.

The 2003 amendments republished this section in its entirety and amended subsections (a), (b), and (c).

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

§ 170-30.2-845 Casino Service Industry License

(a) No casino service industry license shall be issued or renewed unless the applicant shall have first paid in full an annual license fee of \$500.00 as outlined part V, § 47(1)(a)(b) of the Act. This fee, unlike the casino license fee, shall not be prorated based on the date of issuance in the fiscal year. This fee must be remitted, in full, to the Commission by October 1st of each fiscal year.

(b) All casino 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 income and taxes must be provided to the Commission upon remittance of this fee.

(c) Fees defined in subsections (a) and (b) above shall not be exempted for license issued in accordance to section 3-1.12.*

*See the commission comment to this section.

(d)(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 service industry licensee, whose license is suspended or revoked shall, upon notification from the Commission, immediately cease its services to the casino.

(3) All casino licensees shall terminate its services from such casino service industry licensee upon notification from the Commission that the license of such casino service industry licensee has been suspended or revoked.

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(e) Violation of this section shall result in penalties assessed against either the casino service industry licensee or the casino licensee, or both, in an amount to be determined by the Commission, but not to exceed \$100.00 per day. Penalties are cumulative and imposition of a penalty pursuant to this part does not preclude other penalties as provided by law, rule, or regulation also being imposed against a casino service industry licensee as a casino licensee.

(f) The license requirements of this section herein set forth shall not apply to business entities which do not meet the definition of a “casino service industry” set forth in section 47 of the Act provided that such business pays a one-time registration fee of \$100.00 and provides to the Commission sufficient information to permit the Commission to determine that the applicant is a commercial tenant of the hotel casino complex rather than an individual or entity engaged in the “casino service industry.”

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Amdts Adopted 25 Com. Reg. 21402 (Sept. 18, 2003); Amdts Proposed 25 Com. Reg. 20691 (July 15, 2003); Amdts Adopted 21 Com. Reg. 16569 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16390 (Dec. 15, 1998); Amdts Proposed 18 Com. Reg. 14033 (Mar. 15, 1996); Amdts Adopted 17 Com. Reg. 13663 (Aug. 16, 1995); Amdts Proposed 14 Com. Reg. 8763 (Feb. 15, 1992); Amdts Adopted 17 Com. Reg. 13521 (June 15, 1995); Amdts Proposed 17 Com. Reg. 13241 (Apr. 15, 1995); Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Amdts Adopted 13 Com. Reg. 8555 (Dec. 15, 1991); Amdts Proposed 13 Com. Reg. 7802 (July 15, 1991).

Commission Comment: The reference to § 3-1.12 is in error. The Tinian Casino Gaming Control Commission proposed regulations entitled “Chapter 3 Casino Service Industry Application and License Regulations,” including § 3-1.12, entitled “Exemption.” See 14 Com. Reg. at 9073 (Mar. 15, 1992). However, a notice of adoption has not been published for these regulations. See also NMIAC, title 170, subchapter 30.3.

The 1999 amendments amended subsections (a) through (c). See also the commission comment to § 170-30.2-101.

The 2003 amendments republished this section in its entirety with numerous amendments, deleted former subsections (b) and (c), added new subsections (b) and (f), and re-designated the remaining subsections accordingly.

In subsection (f), the Commission moved the final period inside of the closing quotation mark.

The Commission inserted commas after the words “machines” in subsection (a) and “rule” in subsection (e) pursuant to 1 CMC § 3806(g).

§ 170-30.2-850 Casino Key Employee License Fees

A fee of \$500.00 for each and every casino 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 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 or different employment position, then the employee must pay the appropriate one-time license fee to secure a new license for the new or different employment position so assumed.

History: Amdts Adopted 25 Com. Reg. 21402 (Sept. 18, 2003); Amdts Proposed 25 Com. Reg. 20691 (July 15, 2003); Amdts Adopted 21 Com. Reg. 16569 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16390 (Dec. 15, 1998);

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Amdts Proposed 18 Com. Reg. 14033 (Mar. 15, 1996); Amdts Adopted 17 Com. Reg. 13663 (Aug. 16, 1995); Amdts Proposed 14 Com. Reg. 8763 (Feb. 15, 1992); Amdts Adopted 17 Com. Reg. 13521 (June 15, 1995); Amdts Proposed 17 Com. Reg. 13241 (Apr. 15, 1995); Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Amdts Adopted 13 Com. Reg. 8555 (Dec. 15, 1991); Amdts Proposed 13 Com. Reg. 7802 (July 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

§ 170-30.2-855 Casino Employee License Fees

(a) A fee of \$50.00 for each and every casino employee, as defined, shall be paid in full to the Commission prior to the employee engaging in any duties or responsibilities related to the hotel. 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 or different employment position, then the employee must pay the appropriate one-time license fee to secure a new license for the new or different employment position so assumed.

(b) **Hotel Employee Registration Fees**

A fee of \$50.00 for each and every hotel employee shall be paid in full to the Commission prior to the employee engaging in any duties or responsibilities related to the casino. 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 or different employment position, then the employee must pay the appropriate one-time license fee to secure a new license for the new or different employment position so assumed.

History: Amdts Adopted 25 Com. Reg. 21402 (Sept. 18, 2003); Amdts Proposed 25 Com. Reg. 20691 (July 15, 2003); Amdts Adopted 21 Com. Reg. 16569 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16390 (Dec. 15, 1998); Amdts Proposed 18 Com. Reg. 14033 (Mar. 15, 1996); Amdts Adopted 17 Com. Reg. 13663 (Aug. 16, 1995); Amdts Proposed 14 Com. Reg. 8763 (Feb. 15, 1992); Amdts Adopted 17 Com. Reg. 13521 (June 15, 1995); Amdts Proposed 17 Com. Reg. 13241 (Apr. 15, 1995); Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Amdts Adopted 13 Com. Reg. 8555 (Dec. 15, 1991); Amdts Proposed 13 Com. Reg. 7802 (July 15, 1991).

Commission Comment: The 1999 amendments added new subsection (b) and amended subsection (a). See also the commission comment to § 170-30.2-101. The 2003 amendments amended subsections (a) and (b).

§ 170-30.2-860 Obligation to Pay Fees; Nonrefundable Nature of Fees

(a) Any fee or deposit obligation arising in accordance with the Act or this part shall be due and payable notwithstanding the withdrawal or abandonment of any application or the termination in any manner of an existing license. Each party to an agreement to lease the casino hotel or the land thereunder, to jointly own a casino hotel or the land thereunder, or to manage a casino shall also be liable for any amounts chargeable to the casino licensee or applicant.

(b) Unless otherwise provided, amounts actually paid by an applicant or licensee in accordance with the Act and this part shall not be refundable.

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Modified, 1 CMC § 3806(d).

History: Amdts Adopted 17 Com. Reg. 13663 (Aug. 16, 1995); Amdts Proposed 14 Com. Reg. 8763 (Feb. 15, 1992); Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Amdts Adopted 13 Com. Reg. 8555 (Dec. 15, 1991); Amdts Proposed 13 Com. Reg. 7802 (July 15, 1991).

Commission Comment: The 1995 amendments amended subsection (a).

See the commission comment to § 170-30.2-101.

§ 170-30.2-865 Powers and Duties of the Commission

Nothing in this part shall be construed to limit the powers and duties of the Commission as provided in the Act or the regulations of the Commission.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 17 Com. Reg. 13663 (Aug. 16, 1995); Amdts Proposed 14 Com. Reg. 8763 (Feb. 15, 1992); Amdts Proposed 16 Com. Reg. 11631 (Jan. 15, 1994); (superseding May 26, 1992 and July 15, 1992 proposed regulations); Amdts Proposed 14 Com. Reg. 9387 (July 15, 1992); Amdts Emergency and Proposed 14 Com. Reg. 9214 (May 26, 1992) (effective for 120 days from May 22, 1992); Amdts Adopted 13 Com. Reg. 8555 (Dec. 15, 1991); Amdts Proposed 13 Com. Reg. 7802 (July 15, 1991).

Commission Comment: See the commission comment to § 170-30.2-101.

Part 900 - Reports

§ 170-30.2-901 Annual Audit, Other Reports, Suspicious Activity, and Currency Transaction Reports by a Casino Operator on the Island of Tinian

(a) Irrespective of whether or not the below federal disclosure requirements are found to be applicable under federal law to the CNMI, these federal requirements as found in the federal law and in the Code of Federal Regulations (“CFR”) as applicable to the several states of the United States, are hereby adopted as requirements and regulations of the Tinian Casino Gaming Control Commission (“TCGCC”) and are to be complied with by the casino operator and the required disclosures and reports shall be directly submitted to and filed with the TCGCC within 48 hours of each such transaction or occurrence unless a different specific time period for filing and/or disclosure is stated in subsections (b)-(p).

(b) A casino operator shall, at its own expense, have its annual financial statements audited in accordance with generally accepted auditing standards (when applicable, the Standards of the Public Company Accounting Oversight Board (United States)) by an independent certified public accountant licensed to practice in this Commonwealth.

(c) The annual financial statements shall be prepared on a comparative basis for the current and prior fiscal year and present the financial position and results of operations in conformity

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with generally accepted accounting principles in the United States.

(d) One copy of the audited financial statements, together with any management letter or report prepared thereon by the casino operator's independent certified public accountant, shall be filed with the TCGCC not later than 4 months after the end of the operator's fiscal year.

(e) The casino operator shall file with the TCGCC one copy of any other report(s) on internal controls, administrative controls, or other matters relative to the casino operator's accounting or operating procedures rendered by the casino operator's independent certified public accountant within 4 months following the end of the operator's fiscal year or upon receipt, whichever is earlier.

(f) If the casino operator or its holding company, intermediary, or principal entity is publicly held, the casino operator shall submit a notice to the TCGCC when the operator, its holding company, intermediary, or principal entity files any report, including forms S-1, 8-K, 10-Q, 10-K, proxy or information statements and registration statements with the SEC or other domestic or foreign securities regulatory agency. The notice must include a listing of the reports or forms filed and the date of the filing. The notice to the TCGCC shall be made within 10 business days of the time of filing with the applicable Commission or regulatory agency.

(g) If an independent certified public accountant that was previously engaged as the principal accountant to audit the casino operator's financial statements resigns or is dismissed as the casino operator's principal accountant, or another independent certified public accountant is engaged as principal accountant, the casino operator shall file a report with the TCGCC within 10 business days following the end of the month in which the event occurs, setting forth the following:

(1) The date of the resignation, dismissal, or engagement.

(2) Whether in connection with the audits of the 2 most recent years preceding a resignation, dismissal, or engagement there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure or auditing scope or procedure, including a description of each such disagreement. The disagreements to be reported include those resolved and those not resolved.

(3) Whether the principal accountant's report on the financial statements for either of the past 2 years contained an adverse opinion or disclaimer of opinion or was qualified. The nature of the adverse opinion, disclaimer of opinion, or qualification shall be described in particularity.

(h) The casino operator shall request the former accountant to furnish to the casino operator a letter addressed to the TCGCC stating whether he agrees with the statements made by the casino operator in response to subsection (g)(2). The letter shall be filed with the TCGCC as an exhibit to the report required under subsection (g).

(i) The casino operator shall file with the TCGCC a Suspicious Activity Report—Casino (SARC) reporting "any suspicious transaction" that the casino operator believes is or may be relevant "to the possible violation" of any CNMI or federal law or regulation in accordance with the requirements of 31 CFR 1021.320 (relating to reports by casinos of suspicious transactions)

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and the casino operator shall collect and maintain any supporting documentation as required by 31 CFR 1021.320(b)(1) and (d).

(j) A casino operator, director, officer, employee, or agent who reports a suspicious activity under subsection (i) may not notify any individual or entity involved in the suspicious activity that the suspicious activity has been reported.

(k) The casino operator shall file with the TCGCC the Currency Transaction Reports by Casino (CTRC) that comply with the requirements of 31 CFR 1021.311 (relating to filing obligations).

(l) Prior to commencing gaming operations, a casino operator shall file with the TCGCC, a copy of the casino operator's compliance program that complies with the requirements of 31 CFR Part 1021 (relating to rules for casinos and card clubs). Thereafter, a casino operator shall file with the TCGCC any amendment or supplement to the compliance program on or before the effective date of the amendment or supplement.

(m) The reporting and other requirements set forth in subsections (i)-(l) hereof apply to casino operators regardless of whether similar reporting and other requirements must be made to the United States federal government.

(n) A casino operator shall require the independent certified public accountant auditing its financial statements to render the following additional reports:

(1) A report identifying:

(i) Material weaknesses or significant deficiencies in the casino operator's internal controls noted in the course of the examination of the financial statements; and

(ii) Recommendations as to how to eliminate each material weakness or significant deficiency identified; and

(2) A report expressing an opinion as to the adequacy of the casino operator's internal controls over financial reporting.

(o) A casino operator shall prepare a written response to the reports required by this regulation which includes details as to any corrective action taken.

(p) No later than 4 months after the end of the fiscal year, a casino operator shall submit to the Commission a copy of:

(1) The reports required under this regulation;

(2) The responses required under this regulation; and

(3) Any other report on internal controls or other matters relative to its accounting or operating procedures rendered by its independent certified public accountant.

Modified, 1 CMC § 3806(d), (f), (g).

History: Adopted 37 Com. Reg. 36020 (Feb. 28, 2015); Proposed 36 Com. Reg. 35988 (Dec. 28, 2014)

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

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Commission corrected the capitalization of the word “states” in subsection (a) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “controls” in subsection (e), “intermediary” in subsection (f), “dismissal” in subsections (g)(1) and (g)(2), “opinion” in subsection (g)(3), and “employee” in subsection (j) pursuant to 1 CMC § 3806(g).

Part 1000 - Appointment of an Administrator

§ 170-30.2-1001 Policy of the Commission

The Commission hereby finds and declares it to be its policy that:

- (a) The stability and continuity of casino operations or hotel casino operations in this municipality are essential to the municipality’s economy and to the general welfare of its residents.
- (b) Any closure of a casino or hotel-casino complex because of a cancellation, revocation, or suspension of its license may cause unnecessary financial hardship to its employees, creditors, and investors and may have an adverse economic effect on the residents of the municipality.
- (c) Public confidence and trust in the ability of the municipality to control gaming operations must not be sacrificed by any relaxation of strict controls in particular circumstances merely to permit gaming operations to continue.
- (d) Placing the management and control of a casino or hotel casino complex whose license is canceled, revoked, or suspended under the control of a competent administrator may ensure the proper regulation of the operations while maintaining its value for its creditors and investors. It may also serve to protect the interests of other persons by avoiding any disruption of the economy of the community.

Modified, 1 CMC § 3806(g).

History: Adopted 37 Com. Reg. 35497 (July 30, 2015); Proposed 36 Com. Reg. 35497 (Sept. 28, 2014).

Commission Comment: In July 2015 the Tinian Casino Gaming Control Commission adopted regulations regarding the appointment of an administrator for the casino. 37 Com. Reg. 36785 (July 30, 2015). . The regulations were proposed as amendments to the personnel regulations at Subchapter 170-30.5. 36 Com. Reg. 35497 (Sept. 28, 2014). Pursuant to 1 CMC §3806(b), however, the Law Revision Commission codified these regulations in part 1000 of subchapter 170-30.2 to fit harmoniously within the code. The Law Revision Commission numbered the regulations to conform to the numbering scheme of the code pursuant to 1 CMC § 3806(a).

The Commission added commas after the words “revocation” and “creditors” in subsection (b), and “revoked” in subsection (d) pursuant to 1 CMC § 3806(g).

§ 170-30.2-1005 Determination to Appoint an Administrator

In determining whether to appoint an administrator, the Commission shall consider:

- (a) The failure of the casino operator/licensee to comply with its directives, the Revised Tinian Casino Gaming Control Act, and/or its regulations;

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- (b) Whether there is an unauthorized operation of the casino by unlicensed persons;
- (c) The nature of the violations that resulted in a cancellation, revocation, or suspension of the license;
- (d) The economic impact of closure of the casino or hotel-casino complex upon the community;
- (e) The involvement, if any, of undisclosed interests in the casino or hotel-casino complex;
- (f) The current status of all fees and taxes applicable to the operations;
- (g) The adequacy of existing financing for the operation and the suitability of any proposed financing;
- (h) The impact upon public confidence and trust if gaming operations are not conducted honestly and free from criminal and corruptive elements;
- (i) The availability of persons qualified and willing to assume the position of administrator for the casino or hotel-casino complex;
- (j) Any other matter material to a full and complete consideration of the particular circumstances presented.

Modified, 1 CMC § 3806(g).

History: Adopted 37 Com. Reg. 35497 (July 30, 2015); Proposed 36 Com. Reg. 35497 (Sept. 28, 2014).

Commission Comment: The Commission changed the final period in subsection (i) to a semicolon to correct a manifest error. The Commission added a comma after “revocation” in subsection (c) to correct a manifest error.

§ 170-30.2-1010 Qualifications of an Administrator

- (a) The Commission must be satisfied that the potential administrator has the requisite casino management experience.
- (b) The potential administrator should meet the suitability standards of 10 CMC §§ 2511 – 25129 in order to qualify for appointment. The administrator shall be a person of relevant experience in the field of gaming management and, in the case of replacing a gaming licensee, shall have experience operating a gaming location of similar caliber in another jurisdiction, and shall be in good standing in any jurisdiction where the person has held or holds a license, registration, or other authorization. Upon appointment, an administrator shall agree to operate the gaming location in compliance with all requirements of the statement of conditions issued by the Commission in connection with the gaming license for the gaming location.

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(c) The Commission may appoint more than a single individual, such as a management team, association, or company, where such appointment will better meet the circumstances and the needs of the casino or hotel-casino complex.

(d) In cases where there is more than one qualified applicant for administrator, the Executive Director shall review the qualifications for each applicant and make a recommendation to the Commission specifying the most suitable applicant in the circumstances.

(e) The Commission shall review the recommendation of the Executive Director and in its sole and absolute discretion, accept the recommendation of the Executive Director or select another qualified applicant for appointment as administrator.

(f) The Executive Director may accept applications for the administrator at any time. The Executive Director shall determine the type and form of information the prospective administrator shall file in order to be considered for appointment.

Modified, 1 CMC § 3806(d), (f), (g).

History: Adopted 37 Com. Reg. 35497 (July 30, 2015); Proposed 36 Com. Reg. 35497 (Sept. 28, 2014).

Commission Comment: The Commission substituted “10 CMC §§ 2511 – 25129” for “the Act” in subsection (b) as a reference to the codification of the Tinian Casino Gaming Act of 1989. The Commission capitalized the word “commission” in subsection (b) for the purpose of conformity. The Commission added commas after the words “registration” in subsection (b) and “association” in subsection (c) to correct manifest errors.

§ 170-30.2-1015 Compensation of the Administrator; Bonding

(a) The Commission shall allow reasonable compensation, out of the revenue of the casino or hotel-casino complex, for the services, costs, and expenses of the administrator and for any persons whom the administrator and for any persons whom the administrator may engage to aid him in his duties.

(b) The Commission may require the execution and filing of a bond for the faithful performance of his duties payable to the Commission with such surety or sureties and in such form and amount as the Commission shall approve.

Modified, 1 CMC § 3806(g).

History: Adopted 37 Com. Reg. 35497 (July 30, 2015); Proposed 36 Com. Reg. 35497 (Sept. 28, 2014).

Commission Comment: The Commission added a comma after “costs” in subsection (a) to correct a manifest error.

§ 170-30.2-1020 Powers, Authorities and Duties of an Administrator

(a) Upon appointment of the administrator, the right, title, and interest of all persons in the casino or hotel casino are suspended and the administrator shall become vested with the title of all the property of the former or suspended licensee relating to the casino or hotel-casino complex, subject to any and all valid liens, claims, and encumbrances. After issuance of an order

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to appoint an administrator, the former or suspended gaming licensee may not exercise any of its privileges, collect or receive any debts, or pay out, sell, assign, or transfer any of its assets to anyone without prior approval of the appointed administrator and the Commission.

(b) The administrator shall protect the money and property so acquired by managing it in a prudent businesslike manner.

(c) Subject to the general supervision of the Commission and pursuant to any specific order it may deem appropriate, an administrator shall have the power to:

(1) Take into his possession all the property of the former canceled or suspended licensee relating to the casino or hotel-casino complex, including its books, records and papers, and bank accounts;

(2) Institute and defend actions by or on behalf of the former or suspended licensee;

(3) Settle or compromise with any debtor or creditor of the former or suspended licensee, including any taxing authority;

(4) Continue the business of the former or suspended licensee and to that end enter into contracts, borrow money, and pledge, mortgage or otherwise encumber the property of the former or suspended licensee as security for the repayment of the administrator's loans; provided, however, that such power shall be subject to any reasonable provisions and restrictions in any existing credit documents;

(5) Hire, fire, and discipline employees;

(6) Perform any other lawful acts on behalf of the casino or hotel-casino complex which an owner is entitled to perform.

(d) The administrator is bound by all provisions of 10 CMC §§ 2511 – 25129 and all regulations of the Commission.

Modified, 1 CMC § 3806(d), (g).

History: Adopted 37 Com. Reg. 35497 (July 30, 2015); Proposed 36 Com. Reg. 35497 (Sept. 28, 2014).

Commission Comment: The Commission substituted “10 CMC §§ 2511 – 25129” for “the Act” in subsection (d) as a reference to the codification of the Tinian Casino Gaming Act of 1989. The Commission added commas after “claims” and “debts” in subsection (a), “money” in subsection (c)(4), and “fire” in subsection (c)(5), to correct manifest errors. The Commission changed subsection 5.3.7 (a second level subsection) in the proposed rules to subsection (d) (a first level subsection) in this code to correct a manifest error.

§ 170-30.2-1025 Reports by the Administrator

(a) An administrator shall file with the Commission such reports with regard to the casino or hotel-casino complex under the supervision of the administrator in such form and at such intervals as the Commission may prescribe.

(b) The reports of the administrator shall be available for examination and inspection by any creditor or party in interest.

History: Adopted 37 Com. Reg. 35497 (July 30, 2015); Proposed 36 Com. Reg. 35497 (Sept. 28, 2014).

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§ 170-30.2-1030 Payment of Net Earnings

(a) No payment of net earnings shall be made without the prior approval of the Commission. The administrator shall provide the Commission with all necessary documentation for its examination relating to net earnings within 10 days after the end of the applicable accounting period.

(b) An administrator shall not distribute earnings of the gaming location to the former licensed owners thereof, until deduction is made for:

(1) All amounts payable under the 10 CMC §§ 2511 – 25129 and these regulations.

(2) The costs of the administration, including compensation and expenses incurred by the administrator and those engaged by the administrator to aid in the administrator's duties, then due and owing.

(3) Amounts deemed necessary by the administrator for continuing the operation of the gaming location including, but not limited to, bankroll, salaries, and foreseeable operating expenses.

(4) Amounts deemed necessary by the administrator to preserve the assets of the gaming location.

(5) A reserve fund sufficient, in the determination of the administrator, to facilitate continued operation in light of pending civil litigation, disputed claims, contractual obligations, taxes, fees, and any other contingency known to the administrator which may require payment by the gaming location.

Modified, 1 CMC § 3806(d).

History: Adopted 37 Com. Reg. 35497 (July 30, 2015); Proposed 36 Com. Reg. 35497 (Sept. 28, 2014).

Commission Comment: The Commission substituted “10 CMC §§ 2511 – 25129” for “the Act” in subsection (b)(1) as a reference to the codification of the Tinian Casino Gaming Act of 1989.

§ 170-30.2-1035 Sale of the Casino or Hotel Casino Complex by the Former or Suspended Legal Owner

(a) The Commission shall set a reasonable time for the former or suspended legal owner to sell the casino or hotel-casino complex provided such time does not exceed one year from the date of the appointment of the administrator.

(b) Any person who owned an interest in the casino or hotel-casino complex at the date of appointment of the administrator may secure a willing and able buyer of the hotel-casino complex.

(c) The proposed buyer must first file a completed application for Licensing as deemed complete by the Executive Director with the Commission within 120 days of the proposed purchase date of the hotel-casino complex. The sale is not final and title cannot transfer until the buyer is licensed and the Commission approves the terms and conditions of the sale.

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History: Adopted 37 Com. Reg. 35497 (July 30, 2015); Proposed 36 Com. Reg. 35497 (Sept. 28, 2014).

§ 170-30.2-1040 Sale of the Casino or Hotel Casino Complex by the Administrator

(a) The administrator shall, after a time set by the Commission pursuant to § 170-30.2-1035, offer the casino or hotel-casino complex for sale. The administrator shall exert his best efforts to secure a buyer for the casino or hotel-casino complex, including advertising expenses, at a fair price. He may employ brokers and other persons to assist him in securing a suitable buyer.

(b) The administrator shall not offer the casino or hotel-casino complex for sale provided a timely sale of the casino or hotel casino complex has been consummated by the former or suspended owner in accordance with § 170-30.2-1035.

(c) The administrator shall not accept an offer to purchase the hotel-casino complex unless such purchase agreement is contingent upon the buyer first filing with the Commission a completed application for licensing as determined by the Executive Director within 120 days of the proposed purchase date. The sale is not final and title cannot transfer until the buyer is licensed and the Commission approves the terms and conditions of the sale.

Modified, 1 CMC § 3806(d)

History: Adopted 37 Com. Reg. 35497 (July 30, 2015); Proposed 36 Com. Reg. 35497 (Sept. 28, 2014).

Commission Comment: The Commission substituted the “§ 170-30.2-1035” for the terms “Section 8 of this regulation” in subsections (a) and (b).

§ 170-30.2-1045 Limitation of Personal Liability of the Administrator

(a) An administrator is not personally liable for:

(1) Any secured or unsecured debt of the casino or hotel-casino complex incurred before, during, or after his appointment;

(2) Any penalty which may be assessed against a former or suspended licensee for his failure to pay or the late payment of any license fee or tax levied pursuant to 10 CMC §§ 2511 – 25129;

Any act or omission made by him in the exercise of prudent business judgment or pursuant to an order of the Commission.

(b) The Commission may enter into any reasonable agreement with the administrator to defend his conduct and to limit said administrator's liability for his actions or failure to act as administrator of the hotel-casino complex pursuant to these regulations.

Modified, 1 CMC § 3806 (a), (g).

History: Adopted 37 Com. Reg. 35497 (July 30, 2015); Proposed 36 Com. Reg. 35497 (Sept. 28, 2014).

Commission Comment: The Commission numbered the initial un-numbered paragraph from the proposed regulations as subsection (a), changed subsections 10.1–10.3 to (a)(1) through (a)(3), and numbered 10.4, the last paragraph, as subsection (b) pursuant to 1 CMC § 3806 (a) and (g). The Commission added a comma after “during” in subsection (a)(1) pursuant to 1 CMC § 3806 (g).

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§ 170-30.2-1050 Termination of the Administrator

Without limiting the foregoing, the Commission may terminate the administrator whenever:

- (a) The administrator has, with the prior approval of the Commission, consummated the sale, assignment, conveyance, or other disposition of all the assets or interest of the former gaming licensee relating to the gaming license;
- (b) The casino or hotel-casino complex enters into voluntary or involuntary bankruptcy proceedings;
- (c) The casino's or hotel-casino complex's debts exceed the value of its assets or the casino or hotel-casino complex is unable to meet its debts as they become due;
- (d) The Commission determines the administrator's performance is inadequate;
- (e) There is a closure of gaming operations at the casino or hotel-casino complex for any reason regardless of fault;
- (f) Any circumstances which, in the determination of the Commission, renders continued operations under the administrator impractical or detrimental to the interests of the municipality or the Commission; or
- (g) The Commission determines that circumstances requiring the appointment of the administrator no longer exist.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 37 Com. Reg. 35497 (July 30, 2015); Proposed 36 Com. Reg. 35497 (Sept. 28, 2014).

Commission Comment: The Commission capitalized "commission" in subsection (a) for the purpose of conformity. The Commission added a comma after "conveyance" in subsection (a) pursuant to 1 CMC § 3806 (g).