

TITLE 10: LOCAL LAWS  
DIVISION 2: SECOND SENATORIAL DISTRICT (TINIAN, ETC.)

**§ 25129. Attorney Fees and Costs.**

Should it become necessary, in the opinion of the commission, to enforce any provision of this chapter against any licensee, then the licensee shall pay all reasonable attorney fees and costs incurred by the commission.

**Source:** Tinian Local Initiative 1, § 126.

**Commission Comment:** As noted in the comment to 10 CMC § 2511, the Tinian Casino Gaming Control Act (adopted as Tinian Local Initiative 1) took effect January 1, 1990. In 1991, the Commonwealth government filed an action challenging provisions in the act and certain regulations adopted by the Casino Gaming Control Commission on the basis that they violated Commonwealth-wide laws. Following hearings, the Commonwealth Superior Court issued a decision denying most of the government's claims. On appeal, the Commonwealth Supreme Court vacated the judgment and remanded the case for a new hearing; the Superior Court was instructed to apply a newly-formulated test in determining the legality of the challenged provisions. *Commonwealth v. Tinian Casino Gaming Control Comm'n*, 3 N.M.I. 134 (1992). On remand, the Superior Court upheld some of the challenged provisions in the act but accepted claims that others violated Commonwealth-wide law. In an order issued April 8, 1993, the Superior Court "modified" several provisions, "deleted" others, and directed the Tinian Casino Gaming Control Commission to "revise and submit to this court ... the Tinian Casino Gaming Control Act of 1989 in a manner that is consistent with the entirety of this Final Order, such revisions to include re-numbering of the Sections of the Act to reflect adding new sections/subsections and deletions of sections/subsections." *Commonwealth v. Tinian Casino Gaming Control Comm'n*, Civ. No. 91-0690 (N.M.I. Super. Ct. Apr. 8, 1993) (Final Order at 15). On August 18, 1993, the Superior Court issued an order approving and adopting a revised act. That order is reproduced verbatim below.

IN THE SUPERIOR COURT

OF THE

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

COMMONWEALTH OF THE ) CIVIL ACTION NO. 91-690

NORTHERN MARIANA ISLANDS, )

Plaintiff, )

vs. )

TINIAN CASINO GAMING )

CONTROL COMMISSION, et al. )

Defendants. )

**ORDER APPROVING AND  
ADOPTING THE REVISED  
TINIAN CASINO GAMING  
CONTROL ACT OF 1989**

\_\_\_\_\_ )

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WHEREAS, in its Final Order of April 7, 1993, this Court directed the Defendants above-named to submit to the Court a revision of the Tinian Casino Gaming Control Act of 1989 which would implement this Court's Final Order of April 7, 1993; and,

WHEREAS, the parties through their undersigned counsel have indicated that the document attached hereto and designated the Revised Tinian Casino Gaming Control Act of 1989 is in compliance with this Court's Final Order of April 7, 1993; and, good cause appearing:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the document attached hereto, designated the Revised Tinian Casino Gaming Control Act of 1989, be, and the same hereby is, adopted ratified and approved by the Court as implementing its Final Order in this proceedings; and,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Revised Tinian Casino Gaming Control Act of 1989 be, and the same hereby is, deemed in full force and affect from after the date upon which this Order is entered; and,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Revised Tinian Casino Gaming Control Act of 1989 (Section 1 thru 126 inclusive at pages 1-99 attached hereto) be published in its entirety in the Commonwealth Code, superseding and replacing the existing Tinian Casino Gaming Control Act of 1989 currently published and codified at 10 CMC Ch. 6, Div. 2 (10 CMC § 2511 through 10 CMC § 3126 inclusive); with the Law Revision Commission renumbering the Revised Tinian Casino Gaming Control Act of 1989 in such a manner that the numbering does not conflict with 10 CMC Ch. 5, Div. 2 (10 CMC § 2511 through 10 CMC § 2521 inclusive) the Tinian Garment Factory Act.

Dated this 18th day of August, 1993.

/s/Marty W.K. Taylor  
Honorable Marty W.K. Taylor  
Judge of the Superior Court

SUBMITTED BY:  
Tinian Casino Gaming Control Commission

By: /s/David A. Wiseman  
David A. Wiseman  
Commission Attorney

REVIEWED AND APPROVED AS TO FORM:  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

By: /s/Elliott A. Sattler  
Elliott A. Sattler  
CNMI Gaming Counsel

**LOCAL INITIATIVE**

**TITLE 10: LOCAL LAWS**  
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**An Act to provide for the regulation and control of the operation of gambling enterprises in the Second Senatorial District (Tinian) and for purposes connected therewith.**

BE IT ENACTED by local initiative pursuant to Article IX, Section 1 of the Constitution of the Commonwealth of the Northern Mariana Islands, and by the authority of the same, as follows:

**PART I — PRELIMINARY**

**1. Short Title.** This act may be cited as the Revised Tinian Casino Gaming Control Act of 1989.

**2. Commencement.** This Act shall commence on January 1, 1990, with such revisions becoming effective upon court order being entered.

**3. Arrangement of Act.** This Act is arranged as follows:

PART I - PRELIMINARY;

PART II - ADMINISTRATION;

PART III - CASINO LICENSES;

PART IV - LICENSING OF EMPLOYEES OF CASINOS;

PART V - LICENSING OF CASINO SERVICE INDUSTRIES;

PART VI - FEES AND TAXES;

PART VII - CASINO OPERATION;

PART VIII - INTERNAL CONTROLS, ADMINISTRATIVE AND ACCOUNTING PROCEDURES AND AUDIT REQUIREMENTS;

PART IX - AGREEMENTS AND OTHER DOCUMENTS IN CONNECTION WITH CASINO OPERATION;

PART X - DIRECTIONS, POWERS, ETC., WITH RESPECT TO CASINOS;

PART XI - GENERAL;

PART XII - DECLARATION OF POLICY.

**4. Interpretation.** (1) In this Act, unless the contrary intention appears -

“adult” means any person 21 years or older;

“applicant” means any person who on his own behalf or on behalf of another has applied for permission to engage in any act or activity which is regulated under the provisions of this act;

“application” means a written request for permission to engage in any act or activity which is regulated under the provisions of this act;

“Attorney General” means the Attorney General of the Commonwealth of the Northern Mariana Islands;

“casino” means those areas of a hotel-casino complex identified in a casino license as the areas constituting the casino in a particular case. Without limiting the generality or scope of the foregoing, the term includes where so identified not only areas for the conduct and playing of games but also areas for money counting, surveillance, accounting, storage and other activities related to the operation and functioning of the casino;

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“casino employee” means any natural person employed in the operation of a licensed casino, including, without limitation, boxing; dealers or croupiers; floormen machine mechanics; casino security employees; count room personnel; cage personnel; slot machine and slot booth personnel; collection personnel; casino surveillance personnel; and data processing personnel; or any other natural person whose employment duties require or authorize access to restricted casino areas, including, without limitation, appropriate maintenance personnel; waiters and waitresses; and secretaries;

“casino gross revenue” means the total of all sums, including checks whether collected or not, actually received by a casino operator from the conduct of gaming, less the total of all sums paid out as winnings in respect of gaming. For the purposes of this definition, any sum received in payment for credit extended by a licensee to a patron for purposes of gaming or for the issue of a chip for gaming is a sum received from the conduct of gaming.

“casino key employee” means —

- (a) any person employed or working in a casino in a managerial capacity or who is empowered to make decisions, involving the exercise of his discretion, that regulate the operation of a casino;
- (b) any person associated with or employee of a casino who, in the opinion of the Tinian Casino Gaming Control Commission, has the power to exercise a significant influence over or with respect to the operation of the casino; or
- (c) any person associated with or employee of a casino who, by reason of his remuneration or policy-making position or by reason of any other criteria determined by the Tinian Casino Gaming Control Commission holds or exercises or is able to exercise authority of such a nature or to such an extent in respect of the operation of the casino as, in the opinion of the Tinian Casino Gaming Control Commission, to render if desirable in the public interest that he be licensed as a casino key employee;

“casino lease” means a written lease approved by the Tinian Casino Gaming Control Commission under which the casino licensee leases to the lessee the hotel-casino complex or the casino;

“casino license” means a license granted by the Tinian Casino Gaming Control Commission on the recommendation of the Executive Director authorizing the conduct and playing in a casino or such games as may in the particular case be authorized by the Commission;

“casino licensee” means the holder for the time being of a casino license. The term includes a person referred to in this Act as a casino licensee who, while not at the material time the holder of a casino license, is a person to whom it is proposed to grant a casino license under and in accordance with an agreement as referred to in section 15;

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“casino management agreement” means a written agreement approved by the Tinian Casino Gaming Control Commission under which the casino licensee or the lessee under a casino lease agrees with the other party to the agreement for the management by that other party of the hotel-casino complex or the casino, as the case may be;

“casino operator” means —

- (a) where there is no casino lease or casino management agreement, the casino licensee;
- (b) where there is a casino lease and no casino management agreement, the lessee under the casino lease;
- (c) where there is a casino management agreement, the person who has entered into the agreement with the casino licensee or, where there is also a casino lease, the lessee under the casino lease, as the case may be.

The term includes a person referred to in this Act as a casino operator who —

- (i) in the case of paragraph (a), while not at the material time a casino licensee, is a person to whom it is proposed to grant a casino license under and in accordance with an agreement as referred to in section 15;
- (ii) in the case of paragraph (b), is a lessee under a casino lease entered into prior to the grant of casino license to the casino licensee;
- (iii) in the case of paragraph (c), is a person who has entered into a casino management agreement with the casino licensee or the lessee under a casino lease prior to the grant of a casino license to the casino licensee;

“chips” means any tokens used or capable of being used in a casino in the conduct of gaming in the place of money and approved for the purpose by the Tinian Casino Gaming Control Commission;

“commission officer” or “employee” means any person appointed as a member, an officer or employee of the Tinian Casino Gaming Control Commission whose duties and responsibilities are related to or are in support of the effectual administration of this Act;

“Commonwealth” means the Commonwealth of the Northern Mariana Islands.

“complimentary service or item” means a service or item provided at no cost or at a reduced price. The furnishing of a complimentary service or item by a casino licensee shall be deemed to constitute the indirect payment for the service or item by the casino licensee, and shall be valued in an amount based upon the retail price normally charged by the casino licensee for the service or item. The value of a complimentary service or item not normally offered for sale by a casino licensee or provided by a third party on behalf of a casino

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licensee shall be the cost to the casino licensee of providing the service or item, as determined in accordance with the rules of the Commission;

“Council” means the Tinian Municipal Council;

“creditor” means the holder of any claim, of whatever character, against a person, whether secured or unsecured, matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent;

“Deputy Director” means the Deputy Director of the Tinian Casino Gaming Control Commission;

“Division” or “Enforcement Division” means the Division of Enforcement under the Commission referred to in section 14;

“Executive Director” means the Executive Director of the Tinian Casino Gaming Control Commission;

“financial year” means the period of 12 months ending on 30 September in any year or, where the Tinian Casino Gaming Control Commission approves some other date as the terminating date of a financial year in a particular case, the period of 12 months ending on the date so approved. The term includes, where the Tinian Casino Gaming Control Commission approves some other date aforesaid, a period longer or shorter than 12 months but not exceeding 18 months ending on the date so approved for the purpose of giving effect to an alteration to the terminating date in a particular case;

“game” means any game specified in a publication, together with an account of the rules for the playing thereof, by the Tinian Casino Gaming Control Commission as a game that may be conducted or played in a casino pursuant to a casino license;

“gaming” or “gambling” means the playing in a casino of any game;

“gaming equipment” means any electronic, electrical or mechanical contrivance or machine or any other physical item (excluding chips) used or for use in casino in connection with gaming;

“hotel” or “approved hotel” means building containing not fewer than 300 sleeping units, each of at least 325 square feet measured to the center of perimeter walls, including bathroom and closet space and excluding hallways, balconies and lounges; each containing private bathroom facilities; and each held available and used regularly for the lodging of tourists and guests and conforming in all respects to the agreement referred to in section 15. In no event shall the main entrance or only access to an approved hotel be through a casino.

“hotel-casino complex” means a hotel established within the area of which is a casino and other business or amenities identified in an agreement referred to in section 15.

“holding company” means any corporation, association, firm, partnership, trust or other form of business organization not a natural person which, directly or indirectly, owns, has the power or right to control, or has the power to vote any significant part of the outstanding voting securities of a corporation which holds or applies for a casino license. For the purpose of this Act,

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addition to any other reasonable meaning of the words used, a “holding company” indirectly has, holds or owns any such power, right or security if it does so through any interest in a subsidiary or successive subsidiaries, however many such subsidiaries may intervene between the holding company and the corporate licensee or applicant;

“inspector” means —

- (a) an inspector appointed by the Tinian Casino Gaming Control Commission;
- (b) a Commission employee who is or is appointed to be an inspector by the Tinian Casino Gaming Control Commission;
- (c) a person who is appointed as an inspector (whether by use of that term or by use of another name containing that term) by the Tinian Casino Gaming Control Commission;
- (d) any person who is, ex officio, an inspector under this Act;

“junket” means an arrangement the purpose of which is to induce any person, selected or approved for participation therein on the basis of his ability to satisfy a financial qualification obligation related to his ability or willingness to gamble or on any other basis related to his propensity to gamble, to come to a license casino hotel for the purpose of gambling and pursuant to which, and as consideration for which, any or all of the cost of transportation, food, lodging, and entertainment for said person is directly or indirectly paid by a casino licensee or employee or agent thereof;

“junket enterprise” means any person who employs or otherwise engages the services of a junket representative in connection with a junket to a licensed casino, regardless of whether or not those activities occur within the Commonwealth;

“junket representative” means any natural person who negotiates the terms of, engages in the referral, procurement or selection of persons who may participate in, or accompanies for purposes of monitoring or evaluating the participants in, any junket to a licensed casino, regardless of whether or not those activities occur within the Commonwealth;

“license” means a gaming license, manufacturer’s or distributor’s license;

“license fees” means any moneys required by law to be paid to obtain or renew a gaming license, manufacturer’s or distributors license;

“licensee” means any person to whom a valid gaming license, manufacturer’s or distributor’s license has been issued;

“Mayor” means the Mayor of Tinian and Aguiguan;

“member of the police force” means member of the Department of Public Safety of the Commonwealth of the Northern Marianas;

“Municipality” means the Municipality of Tinian and Aguiguan in the Second Senatorial District, Commonwealth of the Northern Mariana Islands;

“operation” means the conduct of gaming;

“person” includes any body corporate, association, firm, business, or partnership as well as a natural person;

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“public interest or interest of the public” means public interest or the interest of the public having regard to the creation and maintenance of public confidence and trust in the credibility, integrity and stability of casino operations;

“property” means real property, tangible and intangible personal property, and rights, claims and franchises of every nature;

“publicly traded corporation” means any corporation or other legal entity, except a natural person, which

- (a) Has one or more classes of security registered pursuant to section 12 of the Securities Exchange act of 1934, as amended, or
- (b) Is an issuer subject to section 15(d) of the Securities Exchange Act of 1934 as amended, or
- (c) Has one or more classes or securities traded in any open market in any foreign jurisdiction or regulated pursuant to a statute of any foreign jurisdiction which the Commission determines to be substantially similar to either or both of the aforementioned statutes;

“quarter” or “quarter of the year” means a period of three consecutive months commencing on the first day of January, April, July or October in any year;

“slot machine” means any mechanical, electrical or other device, contrivance or machine which, upon insertion of a coin, token or similar object therein, or upon payment of any consideration whatsoever, is available to play or operate, the play or operation of which whether by reason of the skill of the operator or applicant of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash or tokens to be exchanged for cash, or to receive merchandise or any thing of value whatsoever, whether the payoff is made automatically from the machine or in any other manner whatsoever, except that —

- (a) no merchandise or thing of value shall be offered as part of a payoff of any slot machine unless such merchandise or thing of value has a cash equivalent value of at least \$5,000; and
- (b) the cash equivalent value of any merchandise or other thing of value shall not be included in the total of all sums paid out as winnings to patrons for purposes of determining gross revenues as defined herein or be included in determining the payout percentage of any slot machine.

The Commission shall promulgate rules defining “cash equivalent value” in order to assure fairness, uniformity and comparability of valuation of slot machine payoffs.

A slot machine is a gambling amusement machine as referred to in 1 CMC § 1402(c)(4);

“statement of compliance” means a statement by the Commission which may be issued to an applicant indicating satisfactory completion of a particular

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stage or stages of the license consideration process, and which states that unless there is a change of any material circumstances pertaining to such particular stage or stages of license consideration involved in the statement, such applicant has complied with requirements mandated by this act and by the Commission and is therefore approved for license qualification to the stage or stages for which the statement has been issued;

“security” means any instrument evidencing a directly or indirect beneficial ownership or creditor interest in a corporation, including but not limited to, stock, common and preferred; bonds; mortgages; debentures; security agreements; notes; warrants; options and right;

“subsidiary” means —

- (a) Any corporation, any significant part of whose outstanding equity securities are owned, subject to a power or right of control, or held with power to vote, by a holding company or any intermediary company; or
- (b) A significant interest in any firm, association, partnership, trust or other form of business organization, not a natural person, which is owned, subject to a person or right of control, or held with power to vote, by a holding company or an intermediary company;

“Tinian Casino Gaming Control Commission” or “Commission” means the regulatory body referred to in section 5;

“transfer” means the sale and every other method, direct or indirect, of disposing of or parting with property or with an interest therein, or with the possession thereof, or of fixing a lien upon property or upon an interest therein, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, payment, pledge, mortgage, lien, encumbrance, gift, security or otherwise; the retention of a security interest in property delivered to a corporation shall be deemed a transfer suffered by such corporation;

Words and terms: tense, number and gender —

In construing the provisions of this act, save when otherwise plainly declared or clearly apparent from the context:

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

(2) A reference in this Act to “casino operation” or “operation of a casino” or to a like expression in relation to a casino is a reference to the operation and conduct in respect of a casino of —

- (a) gaming; and

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- (b) money counting surveillance, accounting, storage, and other activities in connection with or related or incidental to gaming and its operation and conduct in respect of a casino.

**PART II — ADMINISTRATION**

**5. Tinian Casino Gaming Control Commission.** (1) There is hereby established a Tinian Casino Gaming Control Commission charged with the administration of this Act. The Commission shall be composed of members to be appointed by the Mayor with the advice and consent of the Tinian Municipal Council. The commissioners shall serve a term of six years except that upon the first five appointments, two shall serve six year terms, two shall serve five year terms, and one shall serve a four year term, to be determined by drawing of lots by the members after their confirmation. A person shall not serve more than one term as commissioner.

(2) The Mayor shall within forty-five days after the effective date of this Act submit his appointment to the Council. To assist in such appointments, the Mayor shall appoint commissioners from a list of qualified candidates. This list shall be composed by the Office of the Mayor and published in a local newspaper before the appointments are made. This list shall include nominees from all Tinian political parties which are registered with the Commonwealth Board of Elections.

(3) The Council shall within forty-five days from date of submission by the Mayor act by conducting public hearings on the appointments and to notify the Mayor in writing that—

- (a) it has confirmed the appointee; or
- (b) it has rejected the appointee.

(4) An appointed member may at any time resign his office by notice in writing to the Mayor. Upon resignation, removal or expiration of the term of appointment, the member shall cease to sit on the Commission and shall not be included in a quorum count. Removal of a commissioner before the expiration of his term shall occur only by the Mayor and on grounds of gross neglect or dereliction of duty, conviction of a misdemeanor or felony, or mental or physical incapacity, except that upon conviction of any felony or upon the finding of a violation under this Act, the Commissioner shall lose his position automatically. Removal may be made after —

- (a) The member has been served with a copy of the charges against him; and
- (b) A public hearing before the Mayor is held upon the charges if requested by the member concerned. The request for a public hearing must be made within 10 days after service upon such member of the charges. If a hearing is not requested, a member is removed

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effective 10 days after service of charges upon him.

A record of the proceedings shall be kept.

An appeal to the Commonwealth Superior Court may be had by the Commission member from an adverse ruling by the Mayor. The Commonwealth Court shall uphold the decision if there was substantial evidence in the record to support it. No new evidence may be presented to the Commonwealth Superior Court on appeal.

(5) Vacancy in the Commission shall be filled in the same manner as in the original appointment upon which the member shall only serve the term remaining created by such vacancy.

(6) Eligibility for appointment as a Commission member —

- (a) must be at least 25 years old;
- (b) must be a domiciliary of Tinian not less than five years and a qualified voter of Tinian preceding his appointment;
- (c) must submit a personal financial statement covering the last three years prior to his appointment.
- (d) must not have been convicted of a violation of this Act or a felony.
- (e) must be of good moral character.

(7) Commission members shall elect from among themselves a chairman and a vice-chairman to serve a term of two years. The Chairman and the vice-chairman may be reelected. Members shall, no later than 60 days after the Commission receives its first application and application fee for a casino license, devote full time, without engaging in any other employment, to the affairs of the Commission during their tenure. Each member shall receive compensation not to exceed \$75,000 annually from a budget adopted by the Commission for its operations and approved by the Tinian Municipal Council. Each member shall receive compensation no less than \$50,000 annually with or without the approval of the Tinian Municipal Council. The Chairman shall receive \$5,000 per annum in addition to his compensation as a member of the Commission if he receives the minimum salary specified herein. All members of the Commission shall have paid or be entitled to reimbursement for their expenses actually and necessarily incurred in the performance of their duties, including expenses of travel outside the Municipality of Tinian. Each member of the Commission shall serve for the duration of his term and until his successor shall be duly appointed and qualified. In the event that a successor is not duly appointed and qualified within 120 days after the expiration of the member's term, a vacancy shall be deemed to exist.

(8) Duties and Powers of the Commission. The Tinian Casino Gaming Control Commission shall have general responsibility for the implementation of this Act, as hereinafter provided, including, without limitation, the responsibility —

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- (a) To hear and decide promptly and in a reasonable order all license, registration, certificate, and permit applications and causes affecting the granting, suspension, revocation, or renewal of same by applicants and licensees. Nothing contained herein shall be construed to authorize the Commission to fine or penalize any individual or entity which is not an applicant or licensee;
- (b) To conduct all hearings, pertaining to civil violations of this Act or regulations promulgated thereunder in accordance with Commonwealth law;
- (c) To promulgate such regulations as in its judgment may be necessary to fulfill the policies of this Act, such regulations to be in accordance with Commonwealth law;
- (d) To collect all license and registration fees and taxes imposed by this Act and the regulations issued pursuant hereto;
- (e) To levy and collect penalties for the violation of provisions of this Act and the regulations promulgated hereunder. Nothing contained herein shall be construed to authorize the Commission to levy and collect penalties from individuals or entities who are not applicants and licensees;
- (f) To be present through its inspectors and agents at all times during the operation of any casino for the purpose of certifying the revenue thereof, receiving complaints from the public, and conducting such investigations into the conduct of the games and the maintenance of the equipment as from time to time the Commission may deem necessary and proper; and
- (g) Demand access to and inspect, examine, photocopy and audit all papers, books and records of applicants and licensees, on their premises, or elsewhere as practicable, and in the presence of the licensee or his agent, respecting the gross income produced by any gaming business, and require verification of income, and all other matters affecting the enforcement of the policy or any of the provisions of this section;
- (h) To review and rule upon any complaint by a casino licensee regarding any investigative procedures of the Division which are unnecessarily disruptive of casino operations. The need to inspect and investigate shall

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be presumed at all times. The disruption of licensee's operations shall be proved by clear and convincing evidence, and establish that —

- (i) the procedures had no reasonable law enforcement purposes, and
- (ii) the procedures were so disruptive as to inhibit unreasonably casino operations.

(9) Denials and Sanctions. The Commission shall assure, to the extent required by this Act, that licenses, approvals, certificates, or permits shall not be issued to nor held by, nor shall there be any material involvement, directly or indirectly, with the licensed casino operation or the ownership thereof by, unqualified or disqualified person or persons whose operations are conducted in a manner not conforming with the provisions of this Act. In enforcing the provisions of this Act, the Commission shall have the power and authority to deny any application; limit or restrict any license, registration, certificate, permit or approval; suspend or revoke any license, registration, certificate, permit or approval; and impose a penalty on any person licensed, registered, or previously approved for any cause deemed reasonable by the Commission pursuant to rules and regulations promulgated thereby, except that no such denial, limitation, suspension or revocation shall be issued solely by reason of the fact that an applicant, registrant, or licensee holds an interest in or is associated with any licensed casino enterprise in any other jurisdiction.

(10) Subpoenas; Oaths. The Commission shall have the power and authority to issue subpoenas and to compel the attendance of witnesses at any place within this Municipality, to administer oaths and to require testimony under oath before the Commission in the course of any investigation or hearing conducted under this Act. The Commission may serve or cause to be served its process of notice in a manner provided for the service of process and notice in civil actions in the accordance with the rules of court. The Commission shall have the authority, to propound written interrogatories and the Commission may appoint hearing examiners, to whom may be delegated the power and authority to administer oaths, issue subpoenas, propound written interrogatories, oral depositions, and require testimony under oath.

(11) Investigative hearings. The Commission shall have the authority to conduct investigative hearings concerning the conduct of gaming and gaming operations as well as the development and well-being of the industries controlled by this Act.

(12) Officers of the Commission. The Commission shall appoint as officers an Executive Director, a Deputy Director, inspectors and other employees as deemed necessary for the effectual administration of this Act. The Executive Director and Deputy Director are, ex officio, inspectors for the purposes of this Act.

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(13) Appointment of other persons. In addition to the appointments of officers in subsection (12), the Commission may appoint other persons to perform such functions and duties as the Commission from time to time determines for the effectual administration of this Act.

(14) Persons appointed under this section shall be appointed on such terms and condition as to remuneration and otherwise and are not subject to the Commonwealth Civil Service System, except that all employees other than the Executive Director and Deputy Director may be dismissed only for cause.

(15) Meetings and Quorum.

(a) Meetings of the Commission will be held at the discretion of the chairman at such times and places as he may deem necessary and convenient, or at the call of three members of the Commission.

(b) The Commission shall in all respects hold open meetings of all of its proceedings.

(c) Any other law, rule or regulation to the contrary notwithstanding, the Commission shall take all necessary steps to ensure that all interested persons are given adequate notice of Commission meetings, and the agenda of such meetings, through the utilization of all media engaged in the dissemination of information.

(d) A majority of full Commission shall determine any action of the Commission, except that no casino license or interim casino authorization may be issued without the approval of four members. In the event that a vacancy has existed in the Commission for more than 60 days, a majority of the full Commission may act with respect to any matter, including the issuance of a casino license or interim casino authorization.

(e) The provisions of Section 89(4) shall be applicable to this Section.

(16) Minutes and records.

(a) The Commission shall cause to be made and kept a verbatim record of all proceedings held at public meetings of the Commission, which record shall be open to public inspection. A true copy of the minutes of every meeting of the Commission and of any regulations finally adopted by the Commission shall be forthwith delivered, by and under the certification of the chairman, to the Mayor of Tinian and Tinian Municipal Council.

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- (b) The Commission shall keep and maintain a list of all applicants for licenses and registrations under this Act together with a record of all actions taken with respect to such applicants, which file and record shall be open to public inspection; provided, however, that the foregoing information regarding any applicant whose license or registration has been denied, revoked, or not renewed shall be removed from such list after five years from the date of such action.
- (c) The Commission shall maintain such other files and records as may be deemed desirable.
- (d) Except as provided in subsection (g) of this section, all information and data required by the Commission to be furnished hereunder, or which may otherwise be obtained, relative to the internal controls specified herein or to the earnings or revenue of any applicant, registrant, or licensee shall be considered to be confidential and shall not be revealed in whole or in part except in the course of the necessary administration of this Act, or upon the lawful order of a court of competent jurisdiction, or, with the approval of the Attorney General, to a duly authorized law enforcement agency.
- (e) All information and data pertaining to an applicant's criminal record, family, and background furnished to or obtained by the Commission from any source shall be considered confidential and shall be withheld in whole or in part, except that any information shall be released upon the lawful order of a court of competent jurisdiction or, with the approval of the Attorney General, to a duly authorized law enforcement agency.
- (f) Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to subsection (d) or (e) of this section, shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules and regulations adopted by the Commission.
- (h) The following information to be reported periodically to the Commission by a casino licensee shall not be considered confidential and shall be made available for public inspection:
  - (1) A licensee's gross revenue from all authorized games as herein defined;

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- (2) (a) the dollar amount of patron checks initially accepted by a licensee,
- (b) the dollar amount of patron checks deposited to the licensee's bank account,
- (c) the dollar amount of such checks initially dishonored by the bank and returned to the licensee as "uncollected", and
- (d) the dollar amount ultimately uncollected, after all reasonable efforts;
- (3) The amount of gross revenue tax actually paid;
- (4) A list of the premises and the nature of improvements, costs thereof and the payees for all such improvements.
- (5) A list of the premises and the nature of improvements and costs thereof which constitute the cumulative investments.
- (6) All quarterly and annual financial statements presenting historical data which are submitted to the Commission including all annual financial statements which have been audited by an independent certified public accountant licensed to practice in the Commonwealth.

Nothing in this subsection shall be construed to limit access by the public to all forms and documents required to be filed pursuant by the Commission.

(17) Powers not enumerated. The Commission may exercise any proper power or authority necessary to perform the duties assigned to it by law, and no specific enumeration of powers in the Act shall be read to limit the authority of the Commission to administer this Act.

**6. Good repute of persons appointed as inspectors.** The Tinian Casino Gaming Control Commission shall, before appointing an inspector for the purposes of this Act, or under this Act, satisfy itself from due inquiry caused to be made in that regard that the person to be appointed is of good repute, having regard to character, honesty and integrity.

**7. Executive Director to organize work of Commission.** The Executive Director shall be the chief administrative officer of the Commission and, subject to the direction of the Commission, shall organize the work of the Commission in a manner that will ensure its efficient and effective operation.

**8. Deputy Director may act during absence, etc., of the Executive Director.** In the event of the illness or absence of the Executive Director and until a new Executive Director is appointed, it is competent for the Deputy Director to exercise the powers and functions and perform the duties of the Executive Director, and any such exercise or performance by the Deputy Director in a circumstance as aforesaid has the same force and effect as has

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such an exercise or performance by the Executive Director and shall be taken to be an exercise or performance by the Executive Director.

**9. Illness or absence of the Executive Director and Deputy Director.** In the event of the illness or absence of both the Executive Director and Deputy Director, the exercise of the powers and function of the Executive Director or the performance of his duties by the person who for the time being occupies or performs the duties of the office of the Executive Director has the same force and effect as has such an exercise or performance by the Executive Director and shall be taken to be an exercise or performance by the Executive Director.

**10. Power of delegation.** (1) The Executive Director with the prior approval of the Commission may, either generally or otherwise as provided by the instrument of delegation, by instrument in writing under his hand, delegate —

- (a) to a particular person; or
- (b) to the holder of an office specifying the office but without naming the holder all or any of his powers or functions under this Act (other than this power of delegation).

(2) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3) A delegation may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers or functions delegated or as to time, place or circumstances as may be specified in the instrument of delegation.

(4) Subject to prior approval as referred to in subsection (1), the Executive Director may make such and so many delegations under this section and to such number of delegates as he considers necessary or desirable.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section has the same force and effect as if the act or thing had been done or suffered by the Executive Director.

(6) A delegation under this section does not prevent or prejudice the exercise or performance of a power or function by the Executive Director.

(7) A delegation under this section is revocable at the will of the Executive Director and shall be revoked by him if the Commission so directs.

**11. Police assistance.** (1) Arrangements may be made between the Commission and the Commonwealth Director of Public Safety with respect to —

- (a) the rendering of assistance by the members of the police force;
- (b) the supply of information contained in the records of the Police Department;

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(c) the making available of other resources and facilities of the Police Department to the Executive Director and other officers of the Commission for the purposes of the effectual administration of the Act.

(2) The Commonwealth Director of the Department of Public Safety shall have the right to exercise his discretion as to those matters recited in the preceding section.

**12. Secrecy.** (1) Officers and employees of the Commission shall be bound to secrecy by affidavit or solemn declaration in the prescribed form.

(2) An officer or an employee of the Commission so bound to secrecy shall preserve and assist in preserving secrecy with regard to all matters that come to his knowledge in his official capacity in connection with the administration of this Act and shall not communicate any such matter to any person save in the exercise of his powers or performance of his duties under this Act.

(3) An officer or an employee of the Commission who in contravention of his affidavit or declaration of secrecy without lawful excuse reveals or communicates any matter in respect of which he is bound to secrecy is in violation of this Act.

(4) Notwithstanding the provisions of this section, an officer or an employee of the Commission may, if authorized by the Commission to do so, reveal or communicate any matter coming to his knowledge as aforesaid to any governmental agency, body, holder of an office or person specified by the Commission; and the Commission may so authorize an officer and specify a governmental agency, body, holder of an office or person as aforesaid in any case where he deems it to be necessary or desirable to do so.

**13. Identification of inspectors, etc.** (1) Every inspector shall be furnished with an identification card, signed by the Executive Director, identifying him as an inspector.

(2) The Executive Director may cause any other officer or employee of the Commission to be furnished with an identification card identifying the officer, in any case where, having regard to the nature of the powers, functions or duties of the officer in question, it is appropriate for him to have such means of identification.

(3) An identification card shall be in the prescribed form and shall contain the photograph and signature of the inspector or other officer concerned and any other prescribed particulars.

(4) The identification card of an inspector or other officer shall be sufficient evidence of his identity as such inspector or other officer in connection with the exercise and performance by him of his powers, functions and duties under this Act and shall be produced by him on demand to any person who is the subject of or affected by the exercise and performance of such powers, functions and duties.

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**14. Division of Enforcement.** There is hereby established a Division of Enforcement under the Commission, to be headed by the Executive Director which shall have the responsibility for enforcement of this Act and for conducting investigations under this Act.

(1) Powers and Duties

a. The Division shall promptly and in reasonable order investigate all applications, enforce the provisions under this Act and any regulations promulgated thereunder, and prosecute before the Commission all proceedings for violations of this Act or any regulations promulgated hereunder. The Division shall provide the Commission with all information necessary for all action under Part III of this Act and for all proceedings involving enforcement of the provisions of this Act or any regulations promulgated hereunder.

1. The Division shall —

- (i) Investigate the qualifications of each applicant before any license, certificate, or permit is issued pursuant to the provisions of this Act;
- (ii) Investigate the circumstances surrounding any act or transaction for which Commission approval is required;
- (iii) Investigate violations of this Act and regulations promulgated hereunder;
- (iv) Initiate, prosecute and defend such proceedings before the Commission, or appeals therefrom, as the Division may deem appropriate;
- (v) Provide assistance upon request by the Commission in the consideration and promulgation of rules and regulations;
- (vi) Conduct continuing review of casino operations through on-site observation and other reasonable means to assure compliance with this Act and regulations promulgated hereunder, subject to section 5(8)(h).

(2) The Division shall refer for prosecution all criminal violations of this Act to the Attorney General. The Division and its employees and agents shall have such law enforcement powers provided under this Act and as may be delegated to it by the Attorney General to effectuate the purposes of this Act.

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(3) The Division and its employees and agents, upon approval of the Executive Director, shall have the authority, without notice and without warrant —

- (a) To inspect and examine all premises wherein casino gaming is conducted; or gaming devices or equipment are manufactured, sold, distributed, or serviced, or wherein any records of such activities are prepared or maintained;
- (b) To inspect all equipment and supplies in, about, upon or around such premises;
- (c) To seize summarily and remove from such premises and impound any such equipment or supplies for the purposes of examination and inspection;
- (d) To inspect, examine and audit all books, records, and documents pertaining to a casino licensee's operation;
- (e) To seize, impound or assume physical control of any book, record, ledger, game, device, cash box and its contents, counting room or its equipment, or casino operations; and
- (f) To inspect the person, and personal effects present in a casino facility licensed under this Act, or any holder of a license or registration issued pursuant to this Act while that person is present in a licensed casino facility.

(4) To effectuate further the purposes of this Act, the Division and its employees and agents may obtain administrative warrants for the inspection and seizure of any property possessed, controlled, bailed or otherwise held by any applicant, licensee, registrant, intermediary company, or holding company.

(5) The Division may investigate, for the purpose of prosecution, any suspected violation of the provisions of this Act or of any criminal activity engaged in on the casino premises. For the purposes of the administration and enforcement of this Act, so far as it involves crimes against the property of gaming licensees, the Commission, the Division and the executive, supervisory and investigative personnel of both the Commission and the Division have the powers of a peace officer of the Commonwealth.

(6) For the purpose of protecting members of the Commission and providing security at meetings of the Commission or Division, the employees of the Division have the powers of peace officers of the Commonwealth.

(7) The Division or the Commission shall initiate proceedings or actions appropriate to enforce the provisions of this Act, and may request that the Attorney General prosecute any public offense committed in viola-

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tion of this Act. If the Division initiates any action or proceeding or requests the prosecution of any offense, it shall immediately notify the Commission.

(8) The Commission and its employees shall exercise police powers against non-licensees or applicants only to the extent that such “police powers” or “powers of a peace officer” have been specifically delegated by the Department of Public Safety. The Commission shall refer to the Office of the Attorney General all requests for prosecutions of violations of the criminal code of the CNMI. The Attorney General’s office shall then review and evaluate the referral and independently determine whether criminal prosecution should be undertaken. Neither the Commission or its employees shall undertake warrantless searches of non-licensees unless such search is otherwise permitted by law, and shall conduct a warrantless search of licensees only pursuant to a waiver of rights given by the licensee to the Commission or its employees.

**PART III — CASINO LICENSES**

**15. Grant of casino licenses.** Notwithstanding any other Act or law—

- (a) the Commission may grant not more than five casino licenses for a period not to exceed forty (40) years which shall not be transferable, except as proscribed in the Act, provided that no casino licenses shall be authorized within the vicinity of any church or school;
- (b) the conduct and playing of games in the casino pursuant to a casino license, in accordance with this Act and any other applicable Act and the agreement relating to the particular license, is lawful;
- (c) the use of any gaming equipment or chips in the conduct and playing of games where such games are conducted and played in a casino pursuant to a casino license is lawful.

**16. Agreement to precede grant of casino license.**

(1) Notwithstanding any other provision of this Act, no casino license shall be issued by the Casino Gaming Control Commission until and unless the Mayor of the Municipality of Tinian certifies that the casino’s master plan conforms with Commonwealth and Municipal laws relative to sewage treatment and infrastructure planning of the casino(s). The Commission may grant a casino license pursuant to its power to do so under section 15(a) where —

- (a) there has first been entered into with its approval an agreement between —
  - (i) The Executive Director for and on behalf of the Commission and the casino licensee; or
  - (ii) The Executive Director for and on behalf of the Commission and some other person whom the Commission considers to be the appropriate

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person to be a party to the agreement with a view to the issue of a casino license to the casino licensee, identifying, within a hotel-casino complex or a proposed hotel-casino complex the casino to be the subject of the license and containing such terms and condition as the Commission thinks fit; and

- (b) those terms and conditions contained in the agreement and the provisions of this Act and any provisions of the Act ratifying the agreement to be complied with up to the time of the grant of the casino license have been complied with.
- (2) The agreement shall have no force or effect unless and until it is approved by the Commission.
- (3) The agreement shall include but need not be limited to:
  - (a) The size, structure, design and layout and furnishings of the casino and the casino-hotel;
  - (b) The location of the casino-hotel complex;
  - (c) The plans of the applicant for hiring, training and promotion of local employees, their rate of pay and benefits;
  - (e) The consideration of the impact of businesses within the hotel-casino premises will have on existing businesses on Tinian;
  - (e) All matters of casino operations referred to in Part VII of this Act.

**17. Suitability of casino licensee and other persons.**

(1) Prior to an agreement being entered into, the Commission shall cause to be undertaken such investigations as are necessary to satisfy the Commission or shall require the casino licensee and all persons whether natural persons or not associated or not associated or connected or to be connected, in the opinion of the Executive Director, with the ownership, administration or management of the operations or business of the casino licensee to satisfy the Commission that such casino licensee and such persons as aforesaid are suitable persons to be associated or connected with the management and operations of a hotel-casino complex or casino having regard to the following matters appropriate to them respectively, that is to say —

- (a) that each person in question is of good repute, having regard to character, honesty and integrity;
- (b) that each person in question is of sound and stable financial background;
- (c) in the case of the casino licensee not being a natural person, that it has arranged or, as the circumstances

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- require, has, in an appropriate case, a satisfactory ownership, trust or corporate structure;
- (d) that the casino licensee has or is able to obtain or, where constituted by more than one person, together have or are able to obtain —
    - (i) financial resources that are adequate to ensure the financial viability of the hotel-casino complex; and
    - (ii) the services of persons who have sufficient experience in the management and operation of a hotel-casino complex;
  - (e) that the casino licensee has or, where constituted by more than one person, together have sufficient business ability to establish and maintain or to maintain, as the case may be, a successful hotel-casino complex;
  - (f) that none of them has any business association with any person, body or association who, in the opinion of the Commission or the Gambling Commissions of New Jersey or Nevada after investigation made or caused to be made by the Executive Director, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial sources;
  - (g) that each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Commission associated or connected or to be associated or connected with the ownership, administration or management of the operations or business of the casino licensee is a suitable person as or to be such director, partner, trustee, executive officer, secretary or other officer or person in his respective capacity;
  - (h) such other matters with respect to which the Commission determines it should be satisfied in the particular case.

(2) Nothing contained in subsection (1) operates to require the Commission to cause investigations to be undertaken or to require the casino licensee or other persons referred to in that subsection to satisfy the Commission with respect to any matter where such investigations have been undertaken or the casino licensee or any other person as aforesaid has satisfied the Commission with respect to that matter pursuant to this Act.

(3) A persons who has had his application for a license denied or who has been found unsuitable by the Commission —

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- (a) is not entitled to profit from his investment in a:
  - (i) corporation other than a publicly traded corporation, as that term is defined in this Act;
  - (ii) partnership;
  - (iii) limited partnership; or
  - (iv) joint venture,which has applied for or been granted a license.
- (b) shall not retain his interest in a corporation, partnership, limited partnership or joint venture beyond that period prescribed by the Commission.
- (c) shall not accept more for his interest in a corporation, partnership, limited partnership or joint venture than he paid for it or the market value on the date of the denial of the license or finding of unsuitability.

(4) The Commission may proceed pursuant to section 14(7) to enforce the provisions of subsection (1).

**18. Hotel-casino complex owner as licensee.**

(1) The person to whom a casino license is granted shall be the owner of the hotel-casino complex in question.

(2) Save in the case of an assignment as referred to in section 29 and subject to that section, a ground for cancellation or suspension of the casino license arises, and shall be taken to be a ground for cancellation or suspension arising pursuant to section 28(1), if the casino licensee ceases to be the owner as aforesaid.

**19. Casino license.**

(1) A casino license shall be issued by the Commission under its approval and shall be in the prescribed form.

(2) The license shall specify —

- (a) the date of its issue;
- (b) the name of the casino licensee;
- (c) the real property or other accurate description and the address or the site of the hotel-casino complex;
- (d) those areas constituting the casino; and
- (e) such other particulars as may be prescribed.

(3) Where pursuant to the agreement as referred to in section 16 a variation occurs affecting the accuracy of the matters specified in the casino license, the casino licensee shall produce the license to the Commission for the endorsement thereon of the variation, and the Commission shall cause such variation to be made accordingly.

**20. Duration of casino license.** A casino license remains in force until it is canceled, suspended, or surrendered pursuant to this Act.

**21. Lease of hotel-casino complex or of casino.**

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

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- (a) the hotel-casino complex; or
- (b) the casino.

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

(3) The Executive Director may require the casino licensee or the proposed lessee to supply him such additional information or documents or other writings as he considers necessary to enable him to make a recommendation to the Commission.

**22. Casino management agreement.**

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

- (a) the hotel-casino complex; or
- (b) the casino.

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

(3) The Executive Director may require the casino licensee, the lessee under the lease or the other party to the proposed agreement to supply to him such additional information or documents or other writings as he considers necessary to enable him to make a recommendation to the Commission.

**23. Suitability of lessee under a casino lease, casino operator under a casino management agreement and other person.**

(1) Prior to any approval by the Commission of a casino lease or a casino management agreement, the Executive Director shall cause to be undertaken such investigations as are necessary to satisfy the Commission or shall require the proposed lessee under the lease or the proposed casino operator under the agreement and all persons whether natural persons or not associated or connected or to be associated or connected, in the opinion of the Executive Director, with the ownership, administration or management of the operations or business of the proposed lessee or proposed casino operator to satisfy the Commission that proposed lessee or proposed casino operator and such persons as aforesaid are suitable persons to be associated or connected with the management and operations of a hotel-casino complex or casino having regard to those matters specified in section 17 with respect to a casino licensee and other persons referred to therein but subject to a reference to a hotel-casino complex being read as a reference to a casino in an applicable case and subject to such other adaptations as are necessary for the purpose of

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their application to such proposed lessee or proposed casino operator and other persons.

(2) Nothing contained in subsection (1) operates to require the Executive Director to cause investigations to be undertaken or to require a proposed lessee under a casino lease or a proposed casino operator under a casino management agreement or other persons referred to in that subsection to satisfy the Commission with respect to any matter where such investigations have been undertaken or a proposed lessee or proposed casino operator or any other person as aforesaid has satisfied the Commission with respect to that matter pursuant to this Act.

**24. Executive Director to make recommendation.** The Executive Director, upon a consideration of the matters material to the application shall make a recommendation to the Commission with respect to —

- (a) the application by the casino licensee to lease to the proposed lessee the hotel-casino complex or the casino; or—
- (b) the application by the casino licensee or lessee under a casino lease to enter into a casino management agreement with the other party proposed for the management by that other party of the hotel-casino complex or the casino, as the case may be.

**25. Determination by the Commission concerning approval.**

(1) The Commission, upon a consideration of the recommendation of the Executive Director and such other matters with respect of the application as it thinks fit, may —

- (a) approve the application;
- (b) refuse the application; or
- (c) defer a determination pending the submission of further information.

(2) Where further information is so submitted, it shall be considered by the Commission together with any further recommendation by the Executive Director may make, and upon such consideration, the Commission may approve or refuse the application.

(3) A determination by the Commission to grant an application or to refuse an application is final and conclusive.

**26. Variation of casino lease or casino management agreement.**

(1) If in any case the parties to a casino lease or casino management agreement desire to vary its provisions, they shall make application to the Executive Director setting out the variations proposed and such other particulars as may be prescribed or as may be required by the Executive Director.

(2) The Executive Director shall make a recommendation to the Commission with respect to the application.

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(3) The Commission, upon a consideration of the recommendation of the Executive Director and such other matters with respect to the application as it thinks fit, may —

- (a) approve the application;
- (b) refuse the application; or
- (c) defer a determination pending the submission of further information and the provisions of subsections (2) and (3) of section 25 shall apply to an application under this section in all respects as they apply to an application referred to in the said section 25.

(4) The parties to the casino lease or casino management agreement may vary the casino lease or casino management agreement only where and the extent the variation is approved by the Commission.

(5) The provisions of Section 89(4) shall be applicable to this Section.

**27. Investigations concerning continued suitability of casino licensee, etc.**

- (1) At any time and from time to time —
  - (a) after an agreement has been entered into pursuant to section 16;
  - (b) while the casino license in relations to such agreement remains in force;
  - (c) after approval by the Commission of a casino lease or casino management agreement pursuant to section 25;
  - (d) while such casino lease or casino management agreement remains in force, the Executive Director may cause to be undertaken such investigations as are necessary to satisfy the Commission or may require the casino licensee, lessee under the casino lease or casino operator under the casino management agreement and all persons whether natural persons or not for the time being associated or connected or to be associated or connected, in the opinion of the Executive Director, with the ownership, administration or management of the operations or business of the licensee, lessee or operator to satisfy the Commission that such licensee, lessee or operator and such person as aforesaid are suitable persons to be associated or connected with the management and operations of a hotel-casino complex or casino having regard to those matters, appropriate to them respectively, specified in section 17 subject, in the case of a lessee or operator and other associated or connected persons as

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aforesaid in relation to such lessee or operator, to a reference to a hotel-casino complex being read as a reference to a casino in an applicable case and to such other adaptations as are necessary for the purpose of the application of those matters to such lessee or operator and other persons. The cooperation and assistance of the Federal Bureau of Investigations, Interpol, and the Nevada and New Jersey Gaming Commissions and other jurisdictions shall be sought where appropriate.

(2) Where the Commission is not satisfied in accordance with subsection (1) following investigations undertaken and requirements made as specified in that subsection, a ground for cancellation or suspension of the casino license thereby arises and shall be taken to be a ground for cancellation or suspension pursuant to section 28(1).

**28. Cancellation or suspension of casino licenses and letters of censure.**

(1) A ground for cancellation or suspension of a casino license arises if the casino licensee or, in the case of a casino management agreement, the casino operator who has entered into such agreement with the casino licensee or the lessee under a casino lease —

- (a) is found in violation of this Act;
- (b) is convicted of an offense, punishable in the particular case by imprisonment for 12 months or more irrespective of whether the offense is also punishable by a fine, in addition to or as an alternative to the punishment by imprisonment;
- (c) fails to comply with any term or condition of the agreement as referred to in section 16 pursuant to which the casino license was granted, which term or condition is binding on him;
- (d) or any director, partner, trustee, executive officer, secretary or other officer or person determined by the Executive Director associated or connected with the ownership, administration or management of his operations or business is not or ceases to be at any time while the casino license is in force a suitable person to be so associated or connected as aforesaid having regard to those matters specified in section 17 or section 23 applicable to him;
- (e) refuses or fails to comply with any direction given to him in writing by the Executive Director pursuant to any provision of this Act and with which it is his duty to comply, and which refusal or failure to comply, in

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the opinion of the Executive Director, jeopardizes the integrity of the operation of the casino or adversely affects the interest of the public;

- (f) where required under this Act to supply information to the Executive Director, or an inspector, supplies information to him that is, to his knowledge, false or erroneous;
- (g) fails to discharge his financial commitments, becomes bankrupt or compounds with his creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy or is the subject of winding up, either voluntarily or pursuant to court order, appointment of a liquidator, appointment of a receiver or receiver and manager or is placed under official management and an official manager appointed pursuant to applicable provisions of the Commonwealth Code.

(2) Where a ground for cancellation or suspension pursuant to subsection (1) arises and the Executive Director is of the opinion that the act or omission or other thing constituting the ground is of such a serious and fundamental nature that the integrity of the operation of the casino is jeopardized or the interest of the public is adversely affected, he shall issue to —

- (a) the casino licensee; and
- (b) in the case of a casino lease, the lessee thereunder; and
- (c) in the case of a casino management agreement, the casino operator thereunder;

a notice in writing requiring him or each of them, as the case may be, to show cause why action should not be taken with respect to the casino license or, as the case may be, the casino lease or casino management agreement pursuant to the provisions of this section.

(3) The Executive Director shall issue a copy of the notice to any other person who, in his opinion, has an interest in the casino license.

(4) The notice shall set out the grounds giving rise to its issue and shall stipulate a date, being no earlier and 21 days after such issue, on or before which cause is required to be shown.

(5) Save where a form of notice to show cause is prescribed by regulations under this Act, the notice shall be in such form and contain such matters as the Executive Director thinks fit, subject to the provisions of this section and the provisions of the Commonwealth Administrative Procedure Act.

(6) Each person to whom the notice is issued may give answer thereto in writing to the Executive Director to show cause at any time not later than the date stipulated in the notice in that respect.

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(7) Any person having an interest as referred to in subsection (3) may make such submissions to the Executive Director as he thinks fit at any time not later than the stipulated date.

(8) The Executive Director shall consider the answers given in reply to the notice or notices to show cause and any submissions made pursuant to subsection (7) and —

- (a) if in his opinion satisfactory answers are given or submissions made in reply to or in respect of the notice or notices, he shall take no further action in relation thereto;
- (b) if in his opinion answers given or submissions made in reply to or in respect of the notice or notices are not satisfactory but action to cancel or suspend the casino license or to terminate the casino lease or casino management agreement is not warranted, he may issue a letter of censure to each of them the casino licensee, the lessee and the casino operator or to any of them censuring them or him in respect of any matter connected with or giving rise to the notice to show cause;
- (c) if in his opinion answers given or submissions made in reply to or in respect of the notice or notices are not satisfactory and further action is warranted or if no answers are given and no submissions made, he may —
  - (i) by notice in writing give to each of them the casino licensee, the lessee and the casino operator or to any of them any direction that he considers appropriate to ensure that any matter connected with or giving rise to the issue of the notice is rectified within a time specified in the notice; or
  - (ii) recommend to the Commission that the casino license be canceled or that it be suspended or that the casino lease or casino management agreement be terminated.

(9) If a direction given by the Executive Director pursuant to subsection (8)(c)(i) is not complied with within the time specified in the notice, the Executive Director may recommend to the Commission that the casino license be canceled or that it be suspended or that the casino lease or casino management agreement be terminated.

(10) Where a ground for cancellation or suspension pursuant to subsection (1) arises but the Executive Director is of the opinion that the act or omission or other thing constituting the ground is not of such a serious and

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fundamental nature that the integrity of the operation of the casino is jeopardized or the interest of the public is adversely affected, he may issue a letter of censure to each of them the casino licensee, the lessee and the casino operator as aforesaid or to any of them censuring them or him in respect of any matter connected with or giving rise to the ground for cancellation or suspension.

(11) Where the Executive Director makes a recommendation to the Commission, he shall submit therewith such notices to show cause and answers thereto, any submissions made in connection therewith and such other papers in his possession as are relevant to the recommendation.

(12) The Commission, after giving consideration to the recommendation of the Executive Director, other matters referred to in subsection (11) submitted to it and to the circumstances generally, may in its absolute discretion —

- (a) take no action with respect to the casino license or casino lease or casino management agreement if he considers action to be not warranted;
- (b) cause a letter of censure to be issued to each of them the casino licensee, the lessee and the casino operator as aforesaid or to any of them by the Executive Director censuring them or him concerning any matter in respect of which the Commission considers it proper to do so;
- (c) by notice in writing give or cause to be given on his behalf to each of the casino licensee, the lessee and the casino operator or to any of them any direction that they consider appropriate to ensure that any matter connected with or giving rise to the issue to the notice is rectified within a time specified in the notice;
- (d) unless a receiver and manager has been appointed pursuant to section 29, appoint an administrator subject to such terms and conditions as he thinks fit for the purposes as referred to in subsection (14).

(13) A letter of censure issued under this section shall become a permanent part of the records of the Commission in relation to the casino license or casino lease or casino management agreement or any person censured.

(14) An administrator appointed by the Commission pursuant to subsection (12)(d) shall —

- (a) assume full control of and responsibility for the business of the casino licensee in respect of the hotel-casino complex or the casino;
- (b) conduct or cause to be conducted casino operations in accordance with this Act. The appointment as admin-

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istrator shall be determined by the appointment of a receiver and manager or an assignment of the casino license pursuant to section 29.

(15) Notwithstanding any other provision of this Act, the Commission, if the Commission considers in its absolute discretion that the circumstance are so extraordinary that it is imperative in the public interest to do so, may cancel the casino license or suspend it for such period as it thinks fit or direct the termination of the casino lease or casino management agreement.

(16) A decision by the Commission to cancel or suspend a casino license —

- (a) shall be effective on and from a date and time of day determined by the Commission;
- (b) in the case of suspension of a casino license, shall be for such period as the Commission thinks fit; and
- (c) shall be notified in writing by the Executive Director to the casino licensee and, where there is also a lessee or casino operator as aforesaid, to such lessee or casino operator.

(17) Where a casino license is suspended pursuant to this section, the Commission, after first considering a recommendation by the Executive Director relating to the matter, may at any time cancel the balance of the period of suspension still to run or reduce the period of suspension still to run by a period stipulated by them.

(18) A suspension of a casino license shall, while it remains in force, have the same effect as a cancellation of such license without prejudice to any penal or other liability actually incurred by the casino licensee, a lessee under a casino lease or a casino operator under a casino management agreement or to the exercise of the powers of the Executive Director, or any inspector under this Act.

(19) The Commission's direction referred to in subsection (15) shall be given in writing to the parties to the lease or agreement and shall specify a date on which the lease or agreement is terminated under this Act if not sooner terminated.

(20) The lease or agreement, if not sooner terminated by the parties thereto, is terminated by force of this Act on the date specified in the direction in that behalf.

(21) The termination of the lease or agreement by force of this Act does not affect the rights and obligations of the parties thereto up to the time of such termination.

(22) No liability for breach of the lease or agreement attaches to any party thereto by reason only of its termination by force of this Act.

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(23) A decision by the Commission to cancel or suspend a casino license or to direct the termination of casino lease or casino management agreement is final and conclusive.

(24) The provisions of Section 89(4) shall be applicable to this Section.

**29. Mortgage and assignment of casino license, etc.**

(1) A casino licensee shall not mortgage, charge or otherwise encumber —

- (a) the casino license;
- (b) the hotel-casino complex to which the casino license related; or
- (c) the rights and benefits under the agreement in question as referred to in section 23 save with the prior consent of the Commission so to do to a person approved by the Commission (which person is hereafter in this section referred to as “the mortgagee”).

(2) Where the mortgagee wishes to enforce his security under the mortgage, charge or other encumbrance pursuant to his rights thereunder —

- (a) the casino license and the rights, benefits and obligations under the relevant agreement, shall be assigned only to a person approved by the Commission;
- (b) any receiver and manager appointed shall be a person approved by the Commission having regard to the provisions of subsection (5).

For the purpose of giving effect to the provisions of subsection (5), the name of a proposed receiver and manager may be submitted to the Executive Director at any time.

(3) As a condition precedent to the approval by the Commission referred to in subsection (2)(a), the Commission may require that a further agreement in writing be entered into between —

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

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

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(5) Prior to any approval by the Commission pursuant to subsection (2), the Executive Director shall cause to be undertaken such investigations as are necessary to satisfy the Commission or shall require the proposed person and all persons whether natural persons or not associated or connected or to be associated or connected, in the opinion of the Executive Director, with the ownership, administration or management of the operations or business of the proposed person to satisfy the Commission that such proposed person and such persons as aforesaid are suitable persons to be associated or connected with the management and operations of a hotel-casino complex or casino having regard to the matters appropriate to them respectively that are set out in paragraphs (a) to (h) of section 17(1), subject to such adaptation of those paragraphs as are necessary for the purpose of their application to such proposed person and other persons as aforesaid, and having regard to such other matters with respect to which the Commission determines it should be satisfied in the particular case. The cooperation and assistance of the Federal Bureau of Investigations, New Jersey and Nevada Gaming Authorities and Interpol and other jurisdictions shall be sought where appropriate.

A reference in this subsection to a proposed person is a reference to a proposed assignee or a proposed receiver and manager, as the case requires.

(6) Upon a casino license being assigned, the assignee is the casino licensee in respect of the casino license in question, and the Executive Director shall cause the license to be amended to show the name of the assignee, the date of the assignment and such other particulars as may be prescribed; and the license shall be made available to the Executive Director for the purpose of amendment accordingly.

(7) A decision by the Commission to approve or not to approve of a person pursuant to subsection (2) is final and conclusive.

**30. Surrender of casino license.**

(1) The Commission, subject to this section, may accept the surrender of a casino license.

(2) Application for acceptance of surrender shall be made in writing by the casino licensee to the Executive Director and shall set out in detail the grounds on which it is made.

(3) Upon a consideration of the application and the grounds on which it is made, the Executive Director shall make a recommendation to the Commission to accept or not to accept the surrender.

(4) The Commission may decide to accept the surrender or not to accept it after taking into consideration the recommendation of the Executive Director, but they shall not accept the surrender unless they are satisfied that there are circumstances existing in which the continued operation of the casino is not in the best interests of the casino licensee or of the public.

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PART IV — LICENSING OF EMPLOYEES OF CASINOS

**31. Unlicensed persons not to be casino key employees or casino employees.**

(1) A person shall not work as or be a casino key employee or a casino employee unless —

- (a) in the case of a casino key employee he is the holder of a casino key employee license and in the case of a casino employee he is the holder of a casino employee license.
- (b) he is of or above the age of 21 years; and
- (c) he is employed in the type of work specified in the license.

(2) A person shall not employ or cause or suffer to be employed in a casino as a casino key employee or a casino employee any person —

- (a) who in the case of employment as a casino key employee is not the holder of a casino key employee license and in the case of employment as a casino employee is not the holder of a casino employee license;
- (b) who is under the age of 21 years; or
- (c) unless he employs or causes or suffers to be employed that person in the type of work specified in the casino key employee license or the casino employee license of which that person is the holder.

(3) A person shall not allocate or cause or suffer to be allocated to a casino key employee or casino employee any type or work in a casino that is a type of work other than the type of work specified in the license of that employee.

**32. Application for license.** (1) An application for a casino key employee license or a casino employee license shall be made by the applicant and addressed to the Executive Director and shall, according to the application in question —

- (a) be in the prescribed form;
- (b) be accompanied by the prescribed fee in respect thereof;
- (c) specify the type of license applied for;
- (d) specify from the prescribed list the type of work proposed to be performed by him as a licensee;
- (e) contain or be accompanied by the prescribed information and particulars with respect to the applicant;
- (f) be accompanied by such other records, reports, documents and writings relating to the applicant as may be prescribed;

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- (g) be forwarded to or lodged with the Executive Director;
- (h) be accompanied by a letter from a casino operator addressed to the Executive Director stating that he intends to employ the applicant (subject, in an appropriate case, to the successful completion by the applicant of a training course in the type of work referred to in paragraph (d)) in the type of work referred to in paragraph (d) upon his being granted a license as applied for;
- (i) be accompanied by a certificate in the prescribed form from the casino operator referred to in paragraph (h) that the applicant has successfully completed a training course approved pursuant to this Act or is otherwise qualified by experience (specified in the certificate) appropriate to the type of work referred to in paragraph (d);

Provided that where such a training course has not been completed at the time of the making of the application and the successful completion of the training course is to be relied on by the applicant, the application may be supported by a certificate as aforesaid forwarded to the Executive Director upon the successful completion of the training course provided the certificate is so forwarded within the time prescribed for the forwarding of a supporting certificate in the circumstances or, if a time is not prescribed, within a time approved by the Executive Director.

(2) It is a condition precedent to consideration of an application for a license under this Part that the applicant is agreeable to having his photograph, finger prints and palm prints taken.

**33. Requirement to apply for casino key employee license in certain cases.**

- (1) Where the Executive Director is of the opinion that —
  - (a) any person associated with or employee of a casino has the power to exercise a significant influence over or with respect to the casino; or
  - (b) any person associated with or employee of a casino, by reason of his remuneration or policy-making position or by reason of any other criteria determined by the Executive Director, holds or exercises or is able to exercise authority of such a nature or to such an extent in respect of the operation of the casino as to render it desirable in the public interest that he be licensed as a casino key employee, he shall, by notice in writing, require that person to apply for a casino key employee license within seven (7) days after re-

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ceipt by him of such notice; and such person shall so apply within the stipulated time accordingly.

(2) The Executive Director shall cause a copy of the notice to be served on the casino operator in question.

(3) Where the person required pursuant to subsection (1) to apply for a casino key employee license fails to do so within the time stipulated in that subsection, the Executive Director shall cause a notification in writing of such failure to be served on the casino operator in question, and the casino operator shall on such notification being served on him terminate the association or employment of that person with the casino notwithstanding the provisions of any other Act or law or of any industrial award or agreement.

(4) Where the Commission refuses to grant a casino key employees license applied for under this section —

(a) the applicant shall on receipt of notification of such refusal cease to be associated with or an employee of the casino in question; and

(b) the casino operator shall on receipt of notification of such refusal terminate the association or employment of the applicant with the casino.

(5) The casino operator shall not incur any liability whatsoever for in connection with the termination by him, pursuant to this section, of the association or employment of the applicant with the casino.

(6) The provisions of Section 89(4) shall be applicable to this Section.

**34. Consideration of application.** (1) Upon receipt of an application and compliance by the applicant with the provisions of the Part in relation thereto, the Executive Director shall —

(a) cause the photograph, fingerprints and palm prints of the applicant to be taken;

(b) initiate and have followed through such investigatory procedures as he considers necessary in relation to the applicant and his application;

(c) consider the application and materials and matters accompanying it together with the results of investigations made in connection therewith and make an assessment of —

(i) the integrity, responsibility, personal background and financial stability of the applicant;

(ii) the general reputation of the applicant having regard to character, honesty and integrity; and

(iii) the suitability of the applicant to perform the type of work proposed to be performed by him as a licensee, after which he shall make a rec-

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ommendation to the Commission that the application be granted or that it be refused:

Provided that the Executive Director may require the applicant to submit to him such additional information or material as he considers it is necessary for him to have before making a recommendation or decision, as the case may be; and such information or material, upon receipt, shall be taken into consideration accordingly.

(2) In a case to which the proviso to paragraph (i) of section 32(1) is applicable, the Executive Director shall await the receipt of the supporting certificate within the required time before making a recommendation.

**35. Commission may grant or refuse to grant application.**

(1) The Commission, after giving consideration to the recommendation of the Executive Director and to such other submitted and investigatory material as it thinks fit including, as an applicable case, additional information or material referred to in the proviso to section 34(1), may in its absolute discretion grant the application for a casino key employee license or a casino employee license or refuse it.

(2) The applicant shall be notified in writing in the prescribed form by the Executive Director of the decision of the Commission.

(3) The decision of the Commission is final and conclusive.

(4) The Commission may subject the grant of a license to such terms, conditions and restrictions as are considered by it to be necessary in the public interest, and may issue regulation concerning the conditions under which such a license may be granted, revoked or suspended and what fees, if any, shall be paid for such license.

(5) The provisions of Section 89(4) shall be applicable to this Section.

**36. Issue of license.** (1) Where the Commission grants an application for a casino key employee license or a casino employee license, the Executive Director shall issue the license under his hand.

(2) The license shall be in the prescribed form for the license in question and shall specify —

- (a) the name of the holder of the license (and show his photograph thereon);
- (b) the authority given to the holder of the license by the license, including the type of work that may be performed by him, and
- (c) any other prescribed particulars.

(3) The license shall be subject to any terms, conditions and restriction as referred to in section 35(4) and to all other terms, condition and restrictions as may be prescribed to be implied in the type of license in question.

(4) In the event of any proposed change in the type of work that may be performed by the holder of a casino key employee license or a

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casino employee license under his license or in the event of any other change in any circumstance or condition under or in respect of which a license has been issued, the Commission, on the matter being referred to it, may approve such amendment of the license as it thinks fit or the issue of a replacement license in lieu of the existing one.

(5) The Executive Director, being satisfied in such manner as he thinks fit that a casino key employee license or a casino employee license has been destroyed, damaged or lost, may issue to the licensee on payment by him of the prescribed fee a license in substitution for the one destroyed, damaged or lost.

**37. Notification of commencement of employment.** A casino operator shall notify the Executive Director in the prescribed form of the commencement of employment of a casino key employee or a casino employee within 7 days of such commencement.

**38. Display of identification.** (1) A casino key employee or casino employee shall at all times while on duty in the casino wear a form of identification as prescribed on his person in such a manner as to be visible to other persons in the casino.

(2) Subsection (1) is not applicable in the case of a person exempted by the Executive Director from the obligation to comply therewith.

(3) The Executive Director may so exempt a person or class of person from such obligation.

**39. Submission of list of licensees.** (1) A casino operator shall submit to the Executive Director once every six (6) months a list of the licensees then employed in the casino.

(2) The list shall show in respect of each licensee —

- (a) his name and current address;
- (b) the type of license held by him;
- (c) the number of the license;
- (d) any other information prescribed.

**40. Duration of license.** (1) A casino key employee license or a casino employee license shall remain in force until —

- (a) the licensee dies;
- (b) it is canceled by the Commission or surrendered by the licensee;
- (c) licensee ceases to be employed in a casino in Tinian;
- (d) the expiration of term of license as may be prescribed in section 36.

**41. Cancellation or suspension of license.** (1) The Commission may cancel or suspend a casino key employee license or a casino employee license —

- (a) if the holder is found in violation of this Act;
- (b) if the holder is convicted of a criminal offense, punishable in the particular case by imprisonment for 12

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months or more irrespective of whether the offense is also punishable by a fine, in addition to as or as an alternative to the punishment by imprisonment;

- (c) if the holder fails to comply with any term, condition or restriction subject to which the license is granted;
- (d) if the license has been granted on false or erroneous information;
- (e) if at any time after the issue of the license the Commission forms the opinion that the licensee is not a fit and proper person to continue to hold the license.

(2) Suspension of license shall be for such period as the Commission thinks fit and shall during such period have the same effect as cancellation of a license without prejudice to any penal or other liability actually incurred by the licensee or to the exercise of the powers of the Commission, the Executive Director, the Enforcement Division or any inspector under this Act.

(3) The Commission may at any time, after considering any recommendation by the Executive Director in relation thereto, cancel the balance of the period of a suspension of a license still to run or reduce the period of suspension still to run by a period stipulated by them.

(4) A decision by the Commission to cancel or suspend a casino key employee license or a casino employee license is final and conclusive.

(5) The provisions of Section 89(4) shall be applicable to this Section.

**42. Letter of censure.** (1) The Commission, in lieu of canceling or suspending a license under section 41, may, if it considers the circumstances are such as not to warrant cancellation or suspension, direct to the casino key employee or casino employee a letter of censure censuring him in respect of the matter in question.

(2) The Commission shall cause a copy of the letter of censure to be forwarded to the casino operator.

(3) The letter of censure shall become a permanent part of the records of the Commission in relation to the person censured.

**43. Surrender of casino key employee license or casino employee license.** The holder of a casino key employee license or a casino employee license may, by notice in writing to the Commission, surrender his license.

**44. Termination of employment of employee and notification of termination of employment.** (1) A casino operator shall notify the Executive Director in the prescribed form —

- (a) that he has terminated the employment of a casino key employee or a casino employee;
- (b) that a casino key employee or a casino employee has terminated his employment with him;

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(c) that a casino key employee or a casino employee has otherwise ceased to be his employee within 7 days of such termination of employment or ceases as employee, as the case may be.

(2) A casino operator shall terminate the employment of a casino key employee or a casino employee within 24 hours after receiving written notice from the Executive Director.

(3) The provisions of subsection (2) are sufficient authority for the casino operator to terminate the employment of the employee in question, and he is so authorized to terminate such employment notwithstanding the provisions of any other Act or law or of any agreement and no liability at law shall attach to him by reason of such termination.

(4) The provisions of Section 89(4) shall be applicable to this Section.

**45. Provisional license.** (1) Pending a decision by the Commission in respect of an application for a casino key employee license or a casino employee license or a provisional casino employee license if it considers that —

- (a) a decision in relation to the license applied for may not be made for some time;
- (b) the operation of the casino where it proposed the applicant will be employed will be seriously prejudiced or disadvantaged by delay in the employment of the applicant; and
- (c) the issue of the provisional license will not prejudice the integrity of the operation of the casino.

(2) The Commission may subject the grant of a provisional license to such terms, conditions and restrictions as are considered by it to be necessary in the public interest.

(3) Where the Commission grants a provisional license, it shall be in the prescribed form and issued by the Executive Director under his hand.

- (4) A provisional license shall remain in force until —
- (a) the casino key employee license or the casino employee license, as the case may be, is issued or until the Commission decides to refuse to grant the application for a casino key employee license or a casino employee license;
  - (b) it is surrendered by the holder; or
  - (c) it is canceled by the Commission.

(5) The Commission in its absolute discretion may cancel a provisional casino key employee license or a provisional casino employee license at any time, and the holder of the license shall not have any right of action against the Commission, the casino operator in question or any other per-

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son in respect of such cancellation or termination of employment as a consequence thereof.

(6) During its currency and subject to the terms, conditions and restrictions imposed by the Commission in respect of it, a provisional casino key employee license or a provisional casino employee license shall operate and have the same effect as if it were a casino key employee license or a casino employee license issued under this Part.

(7) The provisions of Section 89(4) shall be applicable to this Section.

**46. Reference to employment.** In this Part, a reference to “employ” or “employment” includes a reference to engage or engagement under a contract for services.

**PART V — LICENSING OF CASINO SERVICE INDUSTRIES**

**47. Licensing and registration of casino service industries.**

(1) (a) All casino service industries offering goods or services which directly relate to casino or gaming activity, including gaming equipment manufacturers, suppliers and repairers, schools teaching gaming and either playing or dealing techniques, and casino security service, shall be licensed in accordance with the provisions of this act prior to conducting any business whatsoever with a casino applicant or licensee, its employees or agents, and in the case of a school, prior to enrollment of any students or offering of any courses to the public whether for compensation or not; provided, however, that upon a showing of good cause by a casino applicant or licensee for each business transaction, the Commission may permit an applicant for a casino service industry license to conduct business transactions with such casino applicant or licensee prior to the licensure of that service industry applicant under this subsection.

(b) In addition to the requirements of paragraph (1)(a) of this subsection, any casino service industry intending to manufacture, sell, distribute or repair slot machines within the Municipality of Tinian shall be licensed in accordance with the provisions of this act prior to engaging in any such activities; provided, however, that upon a showing of good cause by a casino applicant or licensee for each business transaction, the Commission may permit an applicant for a casino service industry license to conduct business transactions with the casino applicant or licensee pri-

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or to the licensure of that service industry applicant under this subsection; and provided further, however, that upon a showing of good cause by an applicant required to be licensed as a casino service industry pursuant to this paragraph, the Commission may permit the service industry applicant to initiate the manufacture of slot machines or engage in the sale, distribution or repair of slot machines with any person other than a casino applicant or licensee, its employees or agents, prior to the licensure of that service industry applicant under this subsection.

(2) Each casino service industry in subsection (1)(a) of this section, as well as its owners, management and supervisory personnel and other principal employees must qualify under the standards, except residency, established for qualification of a casino key employee under this act. In addition, if the business or enterprise is a school teaching gaming or either playing or dealing techniques, each resident director, instructor, principal employee, and sales representative employed thereby shall be licensed under the standards established for qualification of a casino employee under this act; provided, however, that nothing in this subsection shall be deemed to require, in the case of a public school district or a public institution of higher education, the licensure or qualification of any individuals except those instructors and other principal employees responsible for the teaching of playing or dealing techniques. The Commission, in its discretion, may issue a temporary license to an applicant for an instructor's license upon a finding that the applicant meets the educational and experiential requirements for such license, that the issuance of a permanent license will be restricted by necessary investigations, and that temporary licensing is necessary for the operation of the gaming school. Unless otherwise terminated pursuant to this act, a temporary license issued pursuant to this subsection shall expire six months from the date of its issuance and be renewable, at the discretion of the Commission, for one additional six-month period.

(3) All casino service industries not included in subsection (1)(a) of this section shall be licensed in accordance with rules of the Commission prior to commencement or continuation of any business with a casino applicant or licensee or its employees or agents. Such casino service industries, whether or not directly related to gaming operations, shall include suppliers of alcoholic beverages, food and nonalcoholic beverages; garbage handlers; vending machine providers; linen suppliers; maintenance companies; shopkeepers located within the approved hotels; limousine services and construction companies contracting with casino applicants or licensees or their employees or agents. The Commission may exempt any person or field of commerce from the licensing requirements of this subsection if the person or field of commerce demonstrates (1) that it is regulated by a public agency or

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that it will provide goods or services in insubstantial or insignificant amounts or quantities, and (2) that licensing is not deemed necessary in order to protect the public interest or to accomplish the policies established by this act. Upon granting an exemption or at any time thereafter, the Commission may limit or place such restrictions thereupon as it may deem necessary in the public interest, and shall require the exempted person to cooperate with the Division and, upon request, to provide information in the same manner as required of a casino service industry licensed pursuant to this subsection; provided, however, that no exemption be granted unless the casino service industry complies with the requirements of this act.

(4) The Commission shall not assess or attempt to assess penalties and fines against any individual or entity which has not submitted an application for a license to the Commission or received a license by the Commission.

**48. Approval and denial of registrations and licenses other than casino licenses.**

(1) Upon the filing of an application for any license or registration required by this act, other than a casino license, and after submission of such supplemental information as the Commission may require, the Commission shall request the division to conduct such investigation into the qualification of the applicant, and the Commission shall conduct such hearings concerning the qualification of the applicant, in accordance with its regulations, as may be necessary to determine qualification for such license or registration.

(2) After such investigation, the Commission may either deny the application or grant a license to or accept the registration of an applicant whom it determines to be qualified to hold such license or registration.

(3) The Commission shall have the authority to deny any application pursuant to the provisions of this act. When an application is denied, the Commission shall prepare and file its order denying such application with the general reasons therefor, and if requested by the applicant, shall further prepare and file a statement of the reasons for the denial, including the specific findings of fact.

(4) When the Commission grants an application, the commission may limit or place such restrictions thereupon as it may deem necessary in the public interest. Licenses shall be granted and registrations approved for a term of one year; provided, however, that:

- (a) gaming school resident director, instructor, principal employee and sales representative licenses, casino service industry license issued under this Act, and junket representative and junket enterprise licenses shall be granted for a term of three years;
- (b) casino hotel employee registration shall remain in effect unless revoked, suspended, limited, or otherwise

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restricted by the Commission in accordance with the provisions of this Act; and

- (c) after the first two renewal periods succeeding the issuance of a casino service industry license required, hereunder, the license term shall be for two years, but the Commission shall reconsider the granting of such a license at any time at the request of the Division of Enforcement.

(5) After an application is submitted to the Commission, final action of the Commission shall be taken within 90 days after completion of all hearings and investigations and the receipt of all information required by the Commission.

(6) The provisions of Section 89(4) shall be applicable to this Section.

**49. Renewal of licenses and registrations.** Subject to the power of the Commission to deny, revoke or suspend any license or registration, any license other than a casino license or any registration may be renewed upon proper application for renewal and the payment of fees in accordance with the rules of the Commission, but in no event later than the date of expiration of the current license or registration.

**PART VI — FEES AND TAXES**

**50. Casino license fees, casino key employee and casino employee license fees, casino service industry license fee, fines and casino taxes as local revenues.**

(1) All license fees and gambling revenue taxes generated by casinos in the Second Senatorial District (Tinian) shall be local revenues and shall be available for appropriation by the Tinian Municipal Council to be expended by the Mayor for local public purposes, as specified herein.

- (a) An appropriation for local public purposes may include but is not limited to assistance in education, programs for youth and elderly development, scholarship, medical referral, agricultural and fisheries development, cultural programs, community and recreational development, programs for invalids, disabled and disadvantaged individuals, medical and dental insurance assistance, provided that such payment is limited to contributions made by the Commission to secure appropriate insurance coverage for Tinian Municipal government employees, and assistance to law enforcement.

(2) Casino license fee.

- (a) An applicant for a casino license shall pay a non-refundable application fee of not less than two hun-

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dred thousand dollars (\$200,000.00) upon submission of the application to the Commission.

- (b) An annual license fee of five hundred thousand dollars (\$500,000.00) shall be paid to the Commission upon approval of the application, provided that when a casino license is issued less than the period of 12 months of the financial year ending 30 September, the fee shall be calculated on a quarterly basis and paid on the period remaining.
  - (c) A casino licensee shall renew a license upon its expiration by the payment of the annual license fee.
- (3) Casino tax.
- (a) A gross revenue surtax of one percent of gross revenue as provided by 1 CMC § 1402(c)(1) shall be paid each month by each licensee.
  - (b) A gambling revenue tax pursuant to 1 CMC § 1402(c)(4) equal to twelve percent per annum of the casino gross revenues, payable on or before the seventh day of the month the next following the month received.
  - (c) An annual gambling amusement machine tax pursuant to 1 CMC § 1402(c)(4) for all slot machines and poker machines located on the casino premises, in an amount to be determined by the Commission by regulation.

(4) There is hereby created the Office of the Tinian Municipal Treasurer within the Office of the Mayor of Tinian and Aguiguan, whose duties shall be established by regulations issued by the Mayor which shall include the duty to collect and receive all monies due under this Act.

(5) The appropriation function of the Tinian Municipal Council with respect to the local revenues generated by the Commission shall be concurrent with the Tinian Legislative Delegation pursuant to the "Local Law Act of 1983" - 1 CMC Div. 1. Provided, however, that in the event that the Tinian Legislative Delegation does not enact the appropriation for the Commissioner's operating budget, within thirty (30) days after submission to them, then, in such event, the Commission shall have its right reserved hereunder, to have an expedited hearing in the Commonwealth Superior Court to proceed for a determination, to be proved by clear and convincing proof that the failure of the Tinian Legislative Delegation to enact the appropriation for the Commissioner's operating budget interfered with the Second Senatorial District's right to effectively establish gambling.

This provision shall also be applicable in the event that the Governor vetoes such appropriation.

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**51. Adjustment of payment of gambling revenue tax in certain circumstances.**

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

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

(3) The operation of this section shall extend, in respect of the amount of the difference between the total payments and the total receipts as aforesaid in any month, only to the two months next succeeding that month.

**52. Disposition of casino license fees, etc.** Casino license fees, gambling revenue taxes, application fees in respect of casino key employee licenses and casino employee licenses, casino service industry license fees and fines collected, shall on their receipt be paid to the Tinian Municipal Treasurer.

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

(2) Additional penalty at the rate of five percent shall be charged and become due and payable on any part of any amount specified in subsection (1) (including penalty) that remains unpaid —

- (a) upon the expiration of one month commencing on the date when the amount first became due and payable; and
- (b) upon the expiration of each month commencing on the like date thereafter.

(3) Failure to pay the fees and taxes required above, shall cause the casino license to be automatically suspended on the 91st day past due.

(4) Any penalty or additional penalty payable under this Act shall be deemed to be a casino gambling revenue tax.

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(5) The provisions of Section 89(4) shall be applicable to this Section.

**54. Recovery of fees and taxes.** All fees and taxes due and payable in accordance with this Act and remaining unpaid are debts due to the Municipality of Tinian and may be recovered by action as for a debt in any court of competent jurisdiction.

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

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

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

**PART VII — CASINO OPERATION**

**56. Maintenance of facilities, etc.** A casino operator shall —

- (a) maintain all facilities and amenities of a casino in such a condition as will ensure at all times the maximum comfort for patrons;
- (b) ensure that the operation of the casino is conducted at all times in a proper and competent manner;
- (c) ensure that all casino installations, equipment and procedures for security and safety purposes are used, operated and applied at all relevant times for the preservation and maintenance of those purposes.

**57. Casino layout.** (1) A casino operator shall —

- (a) ensure that visibility throughout any gaming area of the casino wherein games are being played is clear and unobstructed;
- (b) submit for the approval of the Commission a floor plan in connection with the casino drawn to a scale satisfactory to the Commission indicating in detail the placement of gaming tables, count rooms, cages and all other associated facilities;
- (c) submit a diagram of the closed circuit television system indicating camera positions as they relate to the floor plan and full information indicating heights of cameras from gaming tables and their scope of coverage; and
- (d) submit a plan of the catwalk surveillance system indicating the positions of communication facilities.

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(2) A casino operator shall not operate a casino having the placement of gaming tables, count rooms, cages and other associated facilities other than in accordance with a floor plan approved by the Commission.

**58. Variation of casino layout.** (1) If a casino operator proposes to vary the placement of gaming tables, count rooms, cages or any other associated facilities or the closed circuit television system or catwalk surveillance system, he shall, at least three days prior to the date proposed for giving effect to the variation, submit to the Commission for their approval details of the proposed variations accompanied by plans and diagrams illustrating the proposals.

(2) A casino operator shall not effect any variation as aforesaid without the approval of the Commission first had and obtained.

**59. Casino operating days and hours.** (1) A casino operator shall operate a casino on the days and during the hours on days as approved by the Commission.

(2) He shall not operate a casino on any other day or at any other time.

(3) A casino operator shall submit for approval of the Commission a schedule of operating times indicating the days and hours on and during which, it is proposed, the casino shall operate.

(4) The Commission may approve the schedule of operating times as submitted or with such variations as they think fit.

(5) If the casino operator proposes to vary the schedule of operating times he shall submit to the Commission for its approval details of the proposal showing the revised schedule of operating times.

(6) A casino operator shall not effect any variation referred to in subsection (5) without the approval of the Commission first had and obtained.

(7) (a) The Commission, for any reason considered by it to be sufficient in the circumstances, may by notice in writing require a casino operator to vary the schedule of operating hours in respect of a casino on or from a date specified in the notice.

(b) The notice shall be accompanied by or contain therein the revised schedule of operating hours to operate on and from the date specified.

(c) On and from the date so specified, the revised schedule shall be the schedule of operating hours in respect of the casino in question.

(8) A casino shall not be operated on any days and times as specified by the Commission.

**60. Gaming equipment and chips.** (1) A casino operator shall ensure that all gaming equipment in a casino is of a high standard of manufacture and is maintained in good order and condition.

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(2) A person shall not possess, maintain or exhibit any gaming equipment on the premises of a hotel-casino complex except in the casino.

(3) A person shall not possess, maintain or exhibit any gaming equipment in a casino or bring into or remove from a casino any gaming equipment unless such equipment —

- (a) has been approved by the Commission;
- (b) is necessary for the conduct of gaming;
- (c) has permanently affixed thereto or permanently imprinted, impressed or engraved thereon an identification number or symbol authorized by the Commission.
- (d) is under the exclusive control of a casino operator or his agents or employees; and
- (e) is brought into or removed from the casino at times authorized for that purpose by the Commission or at other times when prior notice has been given to and written approval granted by an inspector.

In this subsection the term “casino” means that area of the casino used for the conduct and playing of games.

- (4) (a) All drop boxes and other receptacles for the depositing therein of moneys (being either notes or coins, tokens, vouchers, slips or other papers, whether actually deposited therein or not), shall be equipped with two locks.
- (b) A gaming table to which a drop box referred to in paragraph (a) is affixed or attached shall be equipped with two locks securing the affixing or attaching of the drop box.
- (c) All count rooms and storage areas wherein there are drop boxes and other receptacles referred to in paragraph (a) that are in use in connection with the operation of the casino shall be equipped with two locks.
- (d) The key or keys of one of the locks shall be under the exclusive control of the officers of the Commission and the key or keys of the other lock shall be under the exclusive control of the casino operator.
- (e) Each of the locks shall be such that it cannot be unlocked by the key or any key of the other lock.
- (f) A drop box or other receptacle referred to in paragraph (a) shall not be —
  - (i) brought into or removed from the area of the casino used for the conduct and playing of games; or

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(ii) locked or unlocked save at such times and according to such procedures and, in the case of locking or unlocking, in such places as are approved by the Commission.

(5) Chips used or for use in a casino shall have clearly and permanently impressed, engraved or imprinted thereon —

- (a) the name of the casino or a symbol identifying the casino; and
- (b) any other matters prescribed so that such matters may relate to all chips or different matters may relate to different chips.

(6) A casino operator shall submit to the Commission for approval an order for the purchase of chips before such order is placed with the chips manufacturer and shall not purchase chips from a chips manufacturer other than one approved by the Commission.

(7) A casino operator shall ensure —

- (a) that chips used in a casino for gaming are of such physical characteristics as are approved by the Commission;
- (b) that chips used in a casino for gaming are in good condition.

(8) A casino operator shall keep and at all times accurately maintain a written inventory of gaming equipment and chips used or for use in the casino.

(9) A casino operator shall not destroy any gaming equipment or chips save under the supervision of an inspector.

(10) A casino operator shall not cause or permit any person to repair or maintain any gaming equipment unless such person is a person approved by the Executive Director for the purpose.

**61. Casino games.** (1) The Commission may, by notification in a publication, notify any game as a game that may be conducted or played in a casino pursuant to a casino license.

(2) The notification in respect of a game shall include an account of the rules for the playing of the game.

(3) Rules for the playing of a game may be altered by subsequent notification.

(4) A casino operator shall submit to the Commission for approval a statement of the maximum number of each of the games proposed to be played in the casino.

(5) The Commission may approve the maximum number of each of the games as submitted or determining and approve in any particular case a different maximum number.

(6) The maximum number of each of the games to be played in the casino shall be the number in each case approved by the Commission.

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(7) The casino operator at any time, having regard to the apparent gaming requirements of casino patrons, may conduct a number of games in any particular case less than the maximum number approved in respect thereof;

Provided that the Commission may direct that a minimum number of any particular type of game shall be played at any time, and where he does so, the casino operator shall comply with the direction.

(8) A casino operator shall ensure that each game conducted in a casino is conducted according to the rules in force for the time being in relation thereto.

**62. Assistance to Patrons in relation to rules of games.**

- (1) A casino operator shall —
  - (a) at the request of any casino patron, make available for his examination a copy of the rules of gaming in respect of any particular game as notified for the time being in a publication;
  - (b) display prominently within the casino such advice or information concerning gaming rules, mode of payment of winning wagers, the odds of winning for each wager and such other advice or information to the player as may be directed by the Commission;
  - (c) provide for casino patrons brochures summarizing the rules of gaming in accordance with texts approved by the Commission;
  - (d) display at each gaming table or location related to the playing of a game a sign indicating the permissible minimum and maximum wagers pertaining to the game played at such table or location.

(2) A casino operator shall ensure that a minimum wager indicated in respect of a game at a table or location shall not be changed to a higher minimum unless a sign indicating the new minimum and the proposed time of change is displayed to the table or location at least 20 minutes prior to the time of the proposed change.

**63. Obligation of casino operator in relation to conduct of games.**

- (1) A casino operator shall ensure that in any game in which playing cards are used such cards are at all times dealt from an item of gaming equipment specifically designated for that purpose and known as a “card shoe”;
- (2) A casino operator shall not issue or cause, permit or suffer to be issued any chips for gaming unless the chips are paid for —
  - (a) in cash to their value; or
  - (b) by chip purchase voucher issued by the casino on payment of the amount shown on the voucher.

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(3) A casino operator shall ensure that all gaming wagers are placed by the use of chips unless the rules of a game specifically permit the use of cash.

(4) A casino operator shall ensure that all winning wagers are paid in full without any commission or levy other than a commission or levy provided for in the rules of a game.

(5) A casino operator shall ensure that all winning wagers are paid in chips unless the rules of a game specifically permit payment by cash or check.

(6) A casino operator shall during the hours of operation of a casino, at the request of a casino patron —

- (a) exchange chip purchase vouchers or chips issued by the casino for chips or other chips, as the case may be, as requested of an equivalent total value;
- (b) redeem chips or chip purchase vouchers issued by the casino for cash or an amount equivalent to the value of the chips or chip purchase vouchers;

Provided that the casino operator, if requested by the patron, may at his discretion issue for the whole or any part of the amount to be paid in cash, in lieu of cash, a check made payable to the patron and drawn on a bank account approved by the Commission for the purpose.

(7) A casino operator shall not employ, engage or use or cause, permit or suffer any of his agents or employees or any other person to employ, engage or use any barker or shill to induce any person to enter a casino or play any game therein.

(8) (a) A deposit, charge or levy, not being a commission or levy provided for in the rules of a game, shall not be charged, taken or made, directly or indirectly, by a casino operator, on, from, to or in respect of any person for the right to enter a casino or play any game therein.

(b) It is immaterial that any such deposit, charge or levy is or is claimed to be refundable.

(9) A casino key employee or a casino employee shall not in a casino in which he is employed or with which he is associated —

- (a) wager at any game; or
- (b) solicit or accept any tip, gratuity, consideration or other benefit from any player or patron at that casino.

**64. Casino operator shall not accept credit wagers, etc.**

(1) A casino operator shall not and an agent or employee of a casino operator shall not, in connection with any gaming —

- (a) accept a credit wager from any person;
- (b) make a loan to any person;
- (c) advance any thing of value to any person;

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- (d) provide cash or chips to any person in respect of a credit card transaction;
- (e) extend credit in any form to any person;
- (f) release or discharge in whole or in part a debt owing by any person without first submitting the prescribed information and material to the Commission and the Commission approving such release or discharge.

(2) Nothing contained in subsection (1) limits the operation of the provisions of section 67.

**65. Deposit advance accounts.** (1) A casino operator may establish for a person a deposit advance account into which moneys may be deposited by that person in advance of any gaming by him.

(2) A casino operator shall not accept for deposit to the account a check, other than a traveler's check, unless it is —

- (a) drawn on a bank and payable on demand;
- (b) drawn for a specific amount;
- (c) made payable to the casino operator; and
- (d) dated but not post dated.

(3) A casino operator may issue to the person for whom the deposit advance account is established a chip purchase voucher or chip purchase vouchers of a value up to the amount for the time being standing to his credit in the account or may pay to him cash up to the amount for the time being so standing to his credit.

**66. Exchange by casino operator of chip purchase voucher for check.**

(1) Subject to subsection (2), a casino operator may issue to a person for the purpose of gaming by him and in exchange for a check from him a chip purchase voucher or chip purchase vouchers of a value equal to the amount of the check.

(2) A casino operator shall not accept for the purposes of subsection (1) a check other than a traveler's check, unless it satisfies the requirements specified in section 65(2) in relation to that section.

**67. Redemption of checks.** Subject to section 69, a person who has deposited or lodged with a casino operator under section 65 or section 66 a check that complies with the requirements referred to in section 65(2) in relation to that section may, with the agreement of the casino operator, redeem the check by presenting to the casino operator in exchange therefore —

- (a) cash;
- (b) a check or checks complying with requirements as aforesaid;
- (c) a chip purchase voucher or chip purchase vouchers;
- (d) chips; or
- (e) any two or more of the foregoing in combination to an amount or a value equivalent to the amount of the check so deposited or lodge as aforesaid.

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**68. Depositing of checks.** All checks received by a casino operator in respect of gaming that are not redeemed in accordance with section 67 shall be banked by him within seven days.

**69. No redemption to delay payment.** Where a person has deposited or lodged a check with a casino operator under section 65 or section 66, the casino operator shall not agree to the redemption by that person of the check pursuant to section 67 for the purpose of avoiding or delaying beyond the prescribed time as referred to in section 68 the banking of the check to the appropriate account of the casino operator.

**70. Training courses for employees.** (1) A casino operator shall provide, for person employed or to be employed by him in a casino as casino key employees or casino employees, training courses relating to the playing of games, the conduct of games and associated activities in connection with casino operations.

(2) All training courses to be provided pursuant to subsection (1) shall be —

- (a) conducted by the casino operator or, with the approval of the Commission, by the nominee of the casino operator; and
- (b) of such content, format and duration as is approved by the Commission.

(3) The successful completion of an approved training course is a prerequisite for —

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

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

- (a) he has obtained the prior approval of the Commission; and
- (b) no cash is used and no chips are used.

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PART VIII — INTERNAL CONTROLS,  
ADMINISTRATIVE AND ACCOUNTING  
PROCEDURES AND AUDIT REQUIREMENTS

**71. System of controls and Procedures.** (1) A casino operator shall submit to the Executive Director for the approval of the Commission —

- (a) a description of the system of internal controls and administrative and accounting procedures proposed by him in connection with the operation of the casino;
- (b) details of changes proposed to any such controls and procedures previously approved by the Commission.

(2) The submission shall be made not later than 90 days prior to the date for commencement of the operation of the casino or the implementation of the proposed changes, provided that the Commission may for sufficient cause direct that a particular submission may be made not later than a date determined by it that is closer to the date for the commencement or implementation as aforesaid, as the case may be.

**72. Content of submission.** A submission of the description of the system of internal controls and administrative and accounting procedures referred to in section 72(1)(a) shall contain both narrative and diagrammatic representation of the system to be utilized by the casino operator, including, but not limited to —

- (a) accounting procedures, including the standardization of forms and definition of terms, not inconsistent with this Act, to be utilized in the gaming operations;
- (b) procedures, forms and, where appropriate, formula for or with respect to —
  - (i) hold percentages and calculations thereof;
  - (ii) revenue drop;
  - (iii) expense and overhead schedules;
  - (iv) complementary services;
  - (v) salary arrangements; and
  - (vi) personnel practices;
- (c) job descriptions and the system of organizing personnel and chain of command authority such as to establish diversity of responsibility among employees engaged in casino operations and identification of primary and secondary supervisory positions for areas of responsibility, which areas shall not be so extensive as to be impractical for an individual to supervise effectively;
- (d) procedures for the conduct and playing of games;

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- (e) procedures within a cashier's cage for the receipt, storage and disbursal of chips and cash, the cashing of checks, the redemption of chips and the recording of all transactions pertaining to gaming operations;
- (f) procedures for the collection and security of moneys at the gaming tables and other places in the casino where games are conducted;
- (g) procedures and forms for the transfer of chips to and from the gaming tables and other places in the casino where games are conducted from and to a cashier's cage;
- (h) procedures for the transfer of moneys from the gaming tables and other places in the casino where games are conducted to other areas of the casino for counting;
- (i) procedures and forms for the transfer of moneys or chips from and to any gaming area;
- (j) procedures and security for the counting and recording of revenue;
- (k) procedures and security for the transfer of moneys to and from a bank from and to the casino;
- (l) procedures for the security, storage and recording of chips utilized in the gaming operations;
- (m) procedures and standards for the maintenance, security and storage of any gaming equipment;
- (n) procedures for the payment and recording of winnings associated with any games where such winnings are paid by cash or check;
- (o) procedures for the issue of chip purchase vouchers and the recording of transactions in connection therewith;
- (p) procedures for the cashing and recording of check transactions;
- (q) procedures for the establishment and use of deposit advance accounts;
- (r) procedures for the use and maintenance of security and surveillance facilities, including catwalk systems and closed circuit television systems;
- (s) procedures governing the utilization of security personnel within the casino;
- (t) procedures for the control of keys used or for use in casino operations.

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**73. Commission's approval.** (1) The Executive Director shall review each submission received by him pursuant to section 71 and, subject to subsection (2) advise the Commission —

- (a) whether it is in conformity with the requirements of this Act; and
  - (b) in a case referred to in subsection (1)(b) of section 71, whether the system of controls and procedures provides satisfactory and effective control over the operations of the casino; or
  - (c) in a case referred to in subsection (1)(b) of section 71, whether the system of controls and procedures as previously approved as altered in accordance with the changes proposed provides satisfactory and effective control over the operations of the casino.
- (2) if the Executive Director considers that —
- (a) the submission is not in conformity with the requirements of this Act; or
  - (b) the system of controls and procedures does not provide satisfactory and effective control over the operations of the casino, either as a system in the first instance or as a system as changed in accordance with the proposed alterations, he shall, before advising the Commission, inform the casino accordingly and specify the steps to be taken for the submission to be in conformity with the requirements of this Act or for the system (in the first instance or as changed) to provide satisfactory and effective control over the operations of the casino.

(3) The casino operator, in order for his submission to proceed, shall take the steps to be taken as specified by the Executive Director.

(4) Where the Executive Director advises the Commission that the submission is in conformity with the requirements of this Act and that the system of controls and procedures provides satisfactory and effective control over the operations of the casino, either in the first instance or as changed in accordance with proposed alteration, the Commission shall approve the system or proposed changes, as the case may be, accordingly.

- (5) (a) The Commission may by notice in writing require a casino operator to alter any part of the system of controls and procedure on and from a date specified in the notice.
- (b) The notice shall stipulate the alteration to be made.
  - (c) On and from the date so specified, the system as required to be altered shall be the system of controls

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and procedures in connection with the operation of the casino.

- (6) A casino operator shall not —
  - (a) conduct gaming in a casino unless the system of controls and procedures as aforesaid has been —
    - (i) approved by the Commission; and
    - (ii) implemented by the casino operator;
  - (b) change the system approved by the Commission unless any changes proposed by him are first approved by the Commission.
- (7) The provisions of Section 89(4) shall be applicable to this

Section.

**74. Books, etc., to be kept on premises.** (1) All books, records and documents relating to the operation of the hotel-casino complex or the casino, as the case may be, shall be kept by the casino operator on the hotel-casino complex premises.

- (2) The Commission may by notice in writing—
  - (a) exempt the casino operator from compliance with subsection (1) either in respect of all books, records and documents or some of them as specified by it for reasons considered by it to be sufficient;
  - (b) approve generally or in particular cases that books, records and documents otherwise kept on the premises as aforesaid may be removed temporarily to another place or other places.

(3) Subject to any other Act or law relating to the retention or destruction of books, records and documents, all books, records and documents as referred to in subsection (1) shall be retained by the casino operator for a period of 7 years after the completion of the transactions to which they relate, provided that the Executive Director may, on the application of the casino operator, approve —

- (a) the retention of books, records or documents in an alternative form or manner;
- (b) the destruction of any of the books, records or documents not considered to be essential at a time prior to the expiration of the period as aforesaid.

**75. Keeping of bank accounts.** A casino operator shall keep and maintain separate bank accounts as approved by the Commission in a bank in the Commonwealth of the Northern Mariana Islands for use for all banking transactions relating to the operations of the hotel-casino complex or the casino, as the case may be. Upon execution of an appropriate waiver, consistent with “The Right to Financial Privacy Act,” 12 U.S.C. § 3401 et seq. and 4 CMC § 6454, an applicant or licensee shall be deemed to have given to the Commission an unconditional and irrevocable grant of authority to inspect,

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on demand, and without notice to such applicant or licensee, the applicant's or licensee's bank accounts and bank records wherever said bank is located as well as a grant by the licensee to its bank of indemnification for the release of any such otherwise confidential information.

**76. Accounts to be kept.** A casino operator shall—

- (a) keep such accounting records as correctly record and explain the transactions and financial position of the operation of the hotel-casino complex or the casino, as the case may be;
- (b) keep his accounting records in such a manner as will enable—
  - (i) true and fair financial statements and accounts to be prepared from time to time;
  - (ii) his financial statements and accounts to be conveniently and properly audited.

**77. Financial statements and accounts.** A casino operator shall prepare financial statements and accounts giving a true and fair view of his financial operations in respect of the hotel-casino complex or the casino, as the case may be, which statements and accounts shall include —

- (a) trading accounts, where applicable, for the financial year;
- (b) profit and loss accounts for the financial year;
- (c) balance sheet as at the end of the financial year.

**78. Commission may determine financial year period.** It is competent for the Commission in a particular case on application made to it to approve a date other than 30 September as the terminating date of a financial year.

**79. Submission of reports.** (1) A casino operator shall submit to the Executive Director, at such times as are prescribed, reports relating to the operations of the hotel-casino complex or the casino, as the case may be, containing such information as is prescribed.

(2) Where in the opinion of the Executive Director any such report is deficient in information required to be provided, he may instruct the casino operator to submit to him information to supply the deficiency within a time nominated by him; and the casino operator shall supply the additional information within the nominated time accordingly.

**80. Audit provisions.** (1) A casino operator shall at his own expense cause his books, accounts and financial statements relating to the operations of the hotel-casino complex or the casino, as the case may be, to be audited by a person who —

- (a) is a certified public accountant; and
- (b) is approved by the Commission.

(2) The auditor shall complete the audit within 4 months of the close of the financial year and immediately upon completion thereof submit a report thereon to each of them the casino operator and the Commission.

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**81. Wider application of certain provision of this Part.**

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

(2) The provisions of sections 74 to 80 apply to and impose obligations and liabilities on a person other than the actual operator in respect of all matters relating to the operations of the hotel-casino complex or the casino, as the case may be, according to his interest therein or association therewith to the same extent in all respects as they do in the case of the casino operator under a casino management agreement.

**PART IX — AGREEMENTS AND OTHER DOCUMENTS**  
**IN CONNECTION WITH CASINO OPERATION**

**82. Restriction on certain agreements, etc.** (1) Casino leases referred to in section 21 and casino management agreements referred to in section 22 are not subject to the provisions of this section.

(2) None of them —

- (a) a casino licensee;
- (b) a casino operator under a casino management agreement shall, unless the approval in writing of the Commission is first had and obtained, enter into or be a party to any lease, contract, agreement or arrangements, written or unwritten, with any other person for such person to lease, let, lend or otherwise provide any thing or to furnish any service in return for —
  - (i) any direct or indirect interest in or percentage or share of moneys gambled at the casino; or
  - (ii) any director or indirect interest in or percentage or share of the revenues, profits or earnings from or of the casino.

(3) If the Commission considers that it is desirable or appropriate to do so in any particular case, the Commission may, upon application made to it in that behalf, approve in writing a lease, contract, agreement or arrangement referred to in subsection (2).

**83. Review of agreements, etc.** (1) Casino leases referred to in section 21 and casino management agreements referred to in section 22 are not subject to the provisions of this section.

(2) Any of them—

- (a) a casino licensee;
- (b) a lessee under a casino lease; and
- (c) a casino operator under a casino management agreement shall, if directed by the Commission to do so,

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furnish to the Commission within the time stipulated by it such information as it thinks fit with respect to any lease, contract, agreement or arrangement (hereinafter in this section referred to as “the agreement”) written or unwritten, with any other person relating to the hotel-casino complex or the casino.

(3) Without limiting the generality of subsection (2), matters concerning which the Commission may direct the furnishing to it of information include —

- (a) names of persons entering into the agreements;
- (b) description of any property, goods or other things or any services provided or to be provided;
- (c) value, type or nature of consideration; and
- (d) operative period of the agreement.

(4) Any of them a licensee, lessee or operator as referred to in subsection (2) shall, if directed by the Commission to do so, furnish to the Commission within the time stipulated by it a copy of the agreement if it is in writing.

(5) If the Commission, upon a review of any information or documents furnished to it under this section, is of the opinion that the continuance of the agreement is not in the public interest or jeopardizes the integrity of gaming having regard to its terms and such other factors as to the Commission appear relevant, it may issue to the licensee, lessee or operator as referred to in subsection (2) who is the party to the agreement a notice in writing requiring him to show cause why the agreement should not be terminated.

(6) The notice shall set out the grounds giving rise to its issue and shall stipulate a date, being not earlier than 21 days after such issue, on or before which cause is required to be shown.

(7) Where the Commission issues a notice, it shall issue a copy thereof to the other party to the agreement.

(8) The licensee, lessee or operator to whom the notice is issued may give answer thereto in writing to the Commission to show cause at any time not later than the date stipulated in the notice in that respect.

(9) The other party may make such submissions to the Commission as he thinks fit at any time not later than that stipulated date.

(10) The Commission shall consider any answers given in reply to the notice to show cause and any submissions made by the other party and —

- (a) if in its opinion satisfactory answers are given or submissions made in reply to or in respect of the notice, it shall take no further action in relation thereto;
- (b) if in its opinion answers given or submissions made in reply to or in respect of the notice are not satisfac-

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tory or if no answers are given and no submissions made, it may direct the termination of the contract.

(11) The Commission's direction referred to in subsection (10)(b) shall be given in writing to the parties to the agreement and shall specify a date on which the agreement is terminated under this Act if not sooner terminated.

(12) The agreement in question, if not sooner terminated by the parties to the agreement, is terminated by force of this Act on the date specified in the direction in that behalf.

(13) The termination of the agreement by force of this Act does not affect the rights and obligations of the parties thereto up to the time of such termination.

(14) No liability for breach of the agreement attaches to any party thereto by reason only of its termination by force of this Act.

(15) The provisions of Section 89(4) shall be applicable to this Section.

**PART X — DIRECTIONS, POWERS, ETC.**  
**WITH RESPECT TO CASINOS**

**84. Directions as to operation of casino.** (1) The Commission may, by notice in writing, give directions to a casino licensee, a lessee under a casino lease or a casino operator under a casino management agreement in relation to the management, supervision or control of any aspect of the operation of a casino.

(2) Each casino licensee, lessee or casino operator as aforesaid shall comply in all respects with a direction so given by the Commission.

(3) If a person, convicted of an offense for failure to comply with a direction under subsection (2), persists in the failure to comply that constitutes the offense, he shall be taken to commit a separate offense on each day on which the failure continues.

(4) The provisions of Section 89(4) shall be applicable to this Section.

**85. Inspectors may be and remain on casino premises.** Inspectors may at any time enter, be and remain on the premises of a casino for the purpose of —

- (a) viewing the operations of gaming;
- (b) observing other activities associated with the operation of the casino;
- (c) ascertaining whether the operation of the casino is being properly supervised and managed, and whether the provisions of this Act and the terms and conditions of the applicable agreement referred to in section 16 are being observed;

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- (d) in all other respects, exercising their powers and performing their duties under this Act.

**86. Other powers of inspectors.** (1) An inspector may —

- (a) require any person who has in his possession or under his control any gaming equipment or chips or any books, accounts, records or documents (which books, accounts, records or documents are hereafter in this Part referred to as records) related to the operation of a casino or otherwise relevant to the administration of this Act to —
  - (i) produce for his inspection any such gaming equipment or chips or records;
  - (ii) attend before him at a time and place named and then and there to answer any questions or supply any information with respect to any gaming equipment or chips or any records referred to in this paragraph or any entry therein;
- (b) inspect any gaming equipment or chips or records referred to in paragraph (a) and take such notes or copies of or in relation to such records or extracts therefrom as he deems necessary;
- (c) with the prior approval in writing of the Commission enter any premises or place in or at which he believes on reasonable grounds any gaming equipment or chips or records, as aforesaid, is or are present in order to search for such equipment, chips or records;
- (d) in a casino or other premises or place search for and seize and retain any gaming equipment or chips or records as aforesaid that he considers will afford evidence as to the commission of an offense against this Act or any other Act or law suspected by him on reasonable grounds to have been committed;
- (e) require any casino licensee, lessee under a casino lease, casino operator under a casino management agreement, casino key employee, casino employee or any other person associated with the operation or management of a casino to attend before him at a time and place named and then and there to answer any questions or supply any information with respect to the operation of a casino;
- (f) examine and test any gaming equipment or chips and order the destruction of gaming equipment or chips considered by him to be unsatisfactory for use;

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- (g) receive and investigate complaints from casino patrons with respect to any aspect of the operation of a casino and advise such patrons the results of his investigations;
  - (h) call to his aid—
    - (i) another inspector or a member of the police force where he is obstructed or believes on reasonable grounds that he will be obstructed in the exercise of his powers or performance of his duties;
    - (ii) a person who he thinks is competent to assist him in the exercise of his powers or performance of his duties.
- (2) A person who is acting in aid of an inspector under this Act shall have and may exercise all or any of the powers conferred upon an inspector under this Act.
- (3) Any requirement under this section may be made —
- (a) verbally; or
  - (b) by writing addressed to the person to or on whom it is made and delivered to him personally or sent by mail to his address last known to the inspector.
- (4) A person is not required, in respect of any matter within the application of this Act, to answer any question or give any information tending to incriminate himself.

**87. Offenses relating to inspectors.** A person shall not

- (a) assault, obstruct, hinder, threaten, abuse, insult or intimidate an inspector or person acting in aid of an inspector who is exercising his powers or performing his functions or duties under this Act or attempting so to do;
- (b) when required under this Act to produce for inspection any gaming equipment, chips or records referred to in this Part, fail without lawful excuse to produce such gaming equipment, chips or records in accordance with such requirement;
- (c) when required under this Act to attend before an inspector, fail without lawful excuse to so attend in accordance with such requirement;
- (d) when required under this Act to answer any question or supply any information with respect to any gaming equipment, chips or records referred to in this Part or with respect to any entry in any such records or with respect to the operation of a casino, give an answer or supply information that is false or misleading or, knowing or being in a posi-

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tion to know the answer or information required, fail to answer that question or supply that information;

- (e) retake any gaming equipment, chips or records seized, impounded or retained under the authority of this Act;
- (f) refuse or fail to destroy any gaming equipment or chips considered by an inspector to be unsatisfactory for use when ordered by the inspector so to do;
- (g) prevent, directly or indirectly, a person from attending before a inspector, producing to an inspector any gaming equipment, chips or records or answering any question of or supplying any information to an inspector when that person is required so to do under this Act.

**88. Bank may be required to furnish Particulars.** (1) The manager or other principal officer of a bank in which a casino licensee, a lessee under a casino lease or a casino operator under a casino management agreement keeps and maintains an account in relation to the operation of a hotel-casino complex or a casino, when presented with an appropriate waiver executed consistent with the "Right to Financial Privacy Act," 12 U.S.C. § 3401 et seq. and 4 CMC § 6454 by an applicant or licensee, upon written request by an inspector, shall furnish to the inspector a statement of account and any other particulars required by the inspector to be so furnished, including copies of checks or records relevant to the account; and no liability shall be incurred by the bank or the manager or other principal officers thereof in respect of any breach of trust or otherwise by reason only of the furnishing of any statement or particulars or copies pursuant to this section.

(2) An inspector shall not make a requirement in writing under subsection (1) unless he has the prior approval in writing of the Commission so to do.

**89. Inquiry into operation of casinos.** (1) The Commission may if it thinks fit appoint in writing the Executive Director or any other officer of the Commission to hold an inquiry into the operation of a casino.

(2) In the holding of an inquiry the Executive Director or appointed officer shall have all the powers, authorities, rights, privileges, protection and jurisdiction as provided in this Act.

(3) Nothing contained in this section affects any other powers that the Executive Director has as an inspector under this Act or, where the appointed officer is an inspector, that the appointed officer has as an inspector under this Act.

- (4) (a) Whenever adverse action is taken toward a licensee that affects its right to continue its casino operation, said licensee so affected may, within 20 days subsequent to receiving notice of such adverse action, request a hearing on such adverse action.

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- (b) The right to request a hearing under this section shall also apply to an applicant, whose application has been denied.
- (c) A hearing under this section shall be granted and conducted pursuant to the Commonwealth Administrative Procedure Act.
- (d) The Commission may conduct the hearing or may delegate such responsibility.
- (e) The Commission reserves the right to hold a hearing on its own initiative with respect to a licensee or applicant, and require such licensee or applicant's appearance.
- (f) The provisions of this section shall apply to the following sections: Sections 5, 26, 28, 33, 35, 41, 44, 45, 48, 53, 73, 83, 84, 91, and 122.
- (g) The foregoing list set forth in paragraph (f) immediately above is not exclusive and the provisions of this section shall apply to all other portions of this Act when due process considerations are present as a result of adverse action taken by the Commission involving a licensee, and in cases of denial, involving an applicant.
- (h) The failure of a licensee or an applicant to request a hearing or appear at a hearing when required by the Commission, shall constitute a waiver of any and all further right of appeal or review.
- (i) The foregoing provisions of this subsection shall apply to applicants for a Casino Operator's license, in the event that the Commission denies the issuance of such license.

**PART XI — GENERAL**

**90. Entry to and exclusion of entry from casino.** (1) Save as is provided in this Article, no person has a right against a casino operator.

(2) A direction, either verbally or in writing, prohibiting a person from entering or remaining in a casino may be given to that person by the casino operator or the person who at the time in question is in charge of the operation of the casino.

(3) A person to whom a direction is given may, if it is not in writing, request that it be given to him in writing, whereupon the casino operator or person in charge as aforesaid shall give the direction in writing.

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**91. Appeal to Commission.**

(1) A person receiving a direction in writing pursuant to section 90 prohibiting him from entering or remaining in a casino may appeal against the direction to the Commission.

(2) The appeal shall be made in writing and shall detail the grounds on which the appeal is made.

(3) The Commission may cause such inquiries to be made by the Executive Director in relation to the direction as he thinks fit and the results of the inquiries to be reported upon to it.

(4) Upon a consideration of the grounds of appeal detailed by the appellant and any matters reported upon to it in relation to the direction, the Commission may —

(a) reject the appeal; or

(b) allow the appeal.

(5) The decision of the Commission shall —

(a) be communicated in writing to the appellant and the casino operator;

(b) be final and conclusive.

(6) The allowance of the appeal by the Commission revokes the direction without prejudice to the right of the casino operator or person in charge of the operation of the casino at a particular time, acting in good faith, to give a further direction to that person for a reason considered by him to be a sufficient reason.

(7) An appeal against a direction does not prejudice the effectiveness of the direction pending the Commission's decision thereon.

(8) The provisions of Section 89(4) shall be applicable to this Section.

**92. Commonwealth Director of Public Safety may exclude entry.**

(1) The Commonwealth Director of Public Safety may direct a casino operator to exclude a specified person from the casino, and the casino operator shall comply.

(2) Where the Commonwealth Director of Public Safety gives a direction, he shall, where applicable —

(a) make available to the casino operator a photograph of the person to be excluded; and

(b) give notice of the direction to the person to be excluded and to the Enforcement Commission.

(3) In exercising the authority granted hereunder, the Commission or its employees will exercise only those "police powers" or "powers of a peace officer" that may have been specifically delegated to the Commission or its employees by the Department of Public Safety.

**93. Copy of direction to Executive Director.** A copy of the direction in writing given under section 90 or section 92 shall be given to the Executive Director by the casino operator or other person who given the direction pur-

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suant to section 86 by the Commonwealth Director of Public Safety, as the case may be.

**94. Duration of direction.** A direction given under section 90 or section 92 shall remain in force until revoked by the casino operator or the Commonwealth Director of Public Safety, as the case may be.

**95. List of names of excluded persons.**

- (1) (a) The commission shall, by regulation, provide for the establishment of a list of persons who are to be excluded or ejected from any licensed casino establishment. Such provisions shall define the standards for exclusion, and shall include standards relating to persons:
  - (i) Who are career or professional offenders as defined by regulations of the commission;
  - (ii) Who have been convicted of a criminal offense under the laws of any state or of the United States, which is punishable by more than 6 months in prison, or any crime or offense involving moral turpitude; or
  - (iii) Whose presence in a licensed casino would, the opinion of the commission, be inimical to the interest of the Municipality of Tinian or of licensed gaming therein, or both.

The commission shall promulgate definitions establishing those categories of persons who shall be excluded pursuant to this section, including cheats and persons whose privileges for licensure or registration have been revoked.

- (b) Race, color, creed, national origin or ancestry, sex, or religious belief shall not be a reason for placing the name of any person upon such list.
- (c) The commission may impose sanctions upon a licensed casino or individual licensee or registrant in accordance with the provisions of this act if such casino or individual licensee or registrant knowingly fails to exclude or eject from the premises of any licensed casino any person placed by the commission on the list of persons to be excluded or ejected.
- (d) Any list compiled by the commission of persons to be excluded or ejected shall not be deemed an all-inclusive list, and the licensed casino establishments shall have a duty to keep from their premises persons known to them to be within the classifications declared in paragraph (a) of this section and the regulations promulgated thereunder.

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- (e) Whenever the name or description of any person is placed on a list pursuant to this section, the commission shall serve notice of such fact to such person by personal service, by certified mail at the last known address of such person, or by publication daily for one week in a newspaper of general circulation in the Commonwealth.
- (f) The Commission shall adopt as its own those lists of persons to be excluded from the States of Nevada and New Jersey. All persons excluded from casinos in Nevada and New Jersey shall be excluded from Tinian Casinos. The Commission may adopt as its own those lists of persons to be excluded from other jurisdictions if it is satisfied the persons on those lists were given due process of law.
- (g) Within 30 days after service by mail or in person or 60 days from the time of last publication, as the case may be, the person named for exclusion or ejection may demand a hearing before the commission and show cause why he should have his name removed from such list. Failure to demand such a hearing within the time allotted in this section shall preclude a person from having an administrative hearing, but shall in no way affect his right to judicial review as provided herein.
- (h) Upon receipt of a demand for a hearing, the commission shall set a time and place for such hearing. Unless otherwise agreed by the commission and the named person, such hearing shall not be later than 30 days after the receipt of a demand for such hearing.
- (i) If, upon completion of the hearing, the commission determines that the regulation does not or should not apply to the person so listed, the commission shall notify all casino licensees of such determination.
- (j) If, upon completion of a hearing, the commission determines that the placement of the name of the person on the exclusionary list was appropriate, the commission shall make and enter an order to that effect. Such order shall be subject to review by the Superior Court in accordance with the rules of court.

**96. Casino operator may exclude or remove excluded person.**

- (1) It is lawful for a casino operator and an employee or agent of a casino operator employed in or acting in connection with the casino and any person acting by the authority of the casino operator, employee or agent

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to use such force as is reasonably necessary in order to prevent any person who is the subject of a direction under section 90 or section 92 from entering the casino or in order to remove any such person who remains in the casino, provided that he does not do serious bodily injury to such person.

(2) In subsection (1) the term serious bodily injury has the meaning assigned to it in 6 CMC § 103(o).

**97. Excluded person not to enter or remain in casino.** A person who is subject of a direction in writing under section 90 or section 92 shall not enter or remain in the casino to which the direction relates.

**98. Excluded person not be allowed in casino.** A casino operator or employee or agent of a casino operator employed in or acting in connection with the casino shall not allow or suffer any person who to his knowledge is subject of a direction in writing under section 90 or section 92 in respect of that casino to enter or remain in the casino.

**99. Powers of inspectors, etc., unaffected.** Nothing contained in section 90 to 98 operates to prevent any inspector or any other person from exercising any power conferred on him by this or any other Act or law to enter, or to do any other act in relation to, a casino.

**100. Provision relating to minors in respect of casinos.**

(1) Persons under the age of 21 years shall not be, and shall not be permitted to be, in a casino during the hours of operation of the casino on any day.

(2) A person under the age of 21 years who is found in a casino during the hours of operation of the casino on any day is in violation of this Act.

(3) A casino operator or employee or agent of a casino operator employed in or acting in connection with the casino —

(a) shall not allow or suffer any person under the age of 21 years to enter or remain in the casino at any time during the hours of operation of the casino on any day;

(b) shall remove or cause to be removed from the casino any person under the age of 21 years who is found in the casino during the operation of the casino on any day.

(4) (a) If a casino operator or employee or agent of a casino operator employed in or acting in connection with the casino suspects that any person attempting to enter or who is in the casino may be under the age of 21 years, he may request that person to furnish him a certificate in the prescribed form, signed by that person, specifying the true age of that person.

(b) If a person, in being requested to furnish a certificate under this subsection —

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- (i) fails to furnish such certificate and attempts further to enter the casino;
- (ii) fails to furnish such a certificate and fails to leave the casino voluntarily; or
- (iii) furnishes a certificate that is false or misleading in any material particular, he is in violation of this Act.

(5) It is a defense in any proceedings for an offense under the subsection (3) to establish —

- (a) that the defendant believed, on reasonable grounds, that the person in question was of or above the age of 21 years; or
- (b) that at the time of contravention of or failure to comply with the subsection (3), the defendant had obtained from the person in question a certificate referred to in subsection (4) that indicated that person was of or above the age of 21 years.

**101. Cheating.** Any person who in a casino —

- (a) by any fraudulent trick, device, sleight of hand or representation; or
- (b) by any fraudulent scheme or practice; or
- (c) by the fraudulent use of any machine, equipment or other thing; or
- (d) by the fraudulent use of any instrument or article of a type normally used in connection with gaming or appearing to be of a type normally used in connection with gaming.

obtains for himself or another person or induces any person to deliver, give or credit to him or another person any money, chips, benefit, advantage, valuable consideration or security is in violation of this Act.

**102. Unlawful use of certain equipment, etc.** Any person who in a casino uses or has in his possession —

- (a) any chips that he knows are bogus or counterfeit chips; or
  - (b) any cards, dice or coins that he knows have been marked, loaded or tampered with; or
  - (c) for the purpose of cheating or stealing, any equipment, device or thing that permits or facilitates cheating or stealing
- is in violation of this Act.

**103. Detention of persons by casino operator, etc., in relation to offenses under section 101 and 102.**

- (1) Any of them —
  - (a) a casino operator;
  - (b) an employee or agent of a casino operator;
  - (c) an inspector

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may in a casino detain in a suitable place therein any person who is or whom he suspects on probable cause to be contravening or attempting to contravene section 101 or section 102, using such force as is reasonably necessary for that purpose, until the arrival of the police force at the place of detention.

(2) The person so detaining shall take such steps as are necessary to ensure the summoning and arrival of a member of the police force with as little delay as possible.

**104. Detention, arrest, etc., of persons by member of the police force in relation to offenses under section 101 and 102.**

(1) Any member of the police force may in a casino detain in a suitable place therein for a reasonable time any person who has or who is suspected on reasonable grounds to have contravened or attempted to contravene section 101 or 102.

**105. Offenses relating to revenue.** Any person who willfully —

- (a) evades the payment of any fee, tax or levy payable by him under the provisions of this Act;
- (b) furnishes to the Executive Director or an inspector any return in respect of any fee, tax or levy payable under the provisions of this Act that is false in any material particular;
- (c) makes any false statement or report to the Executive Director or an inspector in respect of any fee, tax or levy payable under the provisions of this Act

is in violation of this Act.

**106. Offenses relating to unauthorized games.** A person shall not conduct in a casino any game unless the game is permitted to be conducted in a casino pursuant to section 61.

**107. Offenses relating to cheating by casino operator, etc.** Any casino operator or employee or agent of a casino operator who in a casino conducts any game in such a manner as to win or attempt to win from any person to himself or any other person any money, chips or other valuable thing by any fraud, unlawful device or ill-practice is in violation of this Act.

**108. Forgery and like offenses.** A person who —

- (a) forges or counterfeits any chip purchase voucher, license, identification card or other form of identification authorized to be issued under this Act;
- (b) knowingly utters any such chip purchase voucher, license, identification card or other form of identification so forged or counterfeited;
- (c) personates any person named in any such license, identification card or other form of identification;
- (d) falsely represents himself to be an inspector or an officer of the Tinian Casino Gaming Control Commission;

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- (e) connives at any such forging, counterfeiting, uttering, personating or representing as aforesaid;
- (f) knowingly makes a false statement in any application made under this Act

is in violation of this Act.

**109. Bribery of officers of the Commission.**

(1) Any officer of the Commission who corruptly asks for, receives or obtains or agrees to receive or obtain any money, property or benefit of any kind for himself or any other person —

- (a) to forego or neglect his duty or influence him in the performance of his duty as an officer of the Commission;
- (b) on account of anything already done or omitted to be done or to be afterwards done or omitted to be done by him in the discharge of his duty as an officer of the Commission;
- (c) to use or take advantage of his office improperly to gain a benefit or advantage for or facilitate the commission of an offense by another person

is, in addition to being in violation of the Criminal Code of the Commonwealth, in violation of this Act.

(2) Any person who corruptly gives, confers or procures or promises or offers to give or confer or procure or to attempt to procure, upon or for any officer of the Commission or any other person any money, property or benefit of any kind —

- (a) to forego or neglect his duty or influence him in the performance of his duty as an officer of the Commission;
- (b) on account of anything already done or omitted to be done by him in the discharge of his duty as an officer of the Commission;
- (c) to use or take advantage of his office improperly to gain a benefit or advantage for or facilitate the commission of an offense by another person, is, in addition to being in violation of the Criminal Code of the Commonwealth, in violation of this Act.

**110. Officers of the Commission not to gamble, etc.**

- (1) A member or an officer of the Commission —
  - (a) shall not gamble in a casino save to the extent that it may be necessary for him to do so in the course of his duties as an officer;
  - (b) shall not knowingly have, directly or indirectly —
    - (i) any business or financial association with;

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- (ii) any business or financial interest in any matter in conjunction with a licensee under this Act;
  - (c) shall not be an employee in any capacity of a licensee under this Act;
  - (d) shall not solicit or accept employment from or be an employee or business or financial associate in any capacity of a licensee under this Act within a period of five years after he ceases to be an officer of the Commission.
- (2) A licensee under this Act —
- (a) shall not employ in any capacity or have as an employee a person who is an officer of the Commission, or any member of that officer's immediate family;
  - (b) shall not employ in any capacity or have as an employee or business or financial associate a person who was an officer of the Commission with a period of five years after that person ceased to be an officer of the Commission.
- (3) An officer of the Commission who knowingly has, directly or indirectly —
- (a) any business or financial association with; or
  - (b) any business or financial interest in any matter in conjunction with a person who becomes an applicant for a license under this Act shall, immediately upon becoming aware that such person has become an applicant —
    - (i) notify the Commission of such association or interest; and
    - (ii) if directed by the Commission, terminate the association or relinquish the interest within a time specified by the Commission.
- (4) The expression "licensee under this Act" occurring in this section includes a lessee under a casino lease and a casino operator under a casino management agreement.

**111. Entry to casino by members of the police force.**

- (1) Any member of the police force may, in the discharge of his duty, enter any area of a casino to which the public has access.
- (2) Any such area is a public place for the purpose of the exercise by a member of the police force of powers and the discharge by him of duties exercisable or, as the case may be, to be discharged by him in a public place under any Act or law.
- (3) A member of the police force may, on being authorized so to do by an inspector on duty at a casino, enter any other area of the casino in the discharge of his duty, provided that this provision does not limit or preju-

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dice the exercise by a member of the police force of any other power he has pursuant to law to enter a casino or any part of it.

(4) When an inspector gives an authorization to a member of the police force in accordance with subsection (3), he shall, where practicable, give notice of the authorization to the person who is for the time being in charge of the operation of the casino.

(5) To the extent that this Section authorizes warrantless searches, the Commission and its employees will act only pursuant to a waiver given by an applicant or licensee.

**112. Effect of casino license.**

(1) The operation of a casino pursuant to a casino license, in accordance with this Act and any other applicable Act and the agreement as referred to in section 16 relating to the particular license does not, in itself, constitute a public or private nuisance.

(2) Subject to subsection (3), nothing contained in section 15 operates to validate or render enforceable a contract related to gambling that would, apart from that section, be invalid or unenforceable.

(3) A contract to which subsection (2) refers and to which the casino operator is a party is enforceable against the casino operator.

**113. Protection of officers, etc.**

(1) No liability shall be incurred by the Commonwealth of the Northern Mariana Islands, the Commission, the Department of Public Safety, any inspector or any other officer of the Tinian Casino Gaming Control Commission, the Enforcement Division, or any member of the police force or other person acting in aid of an inspector pursuant to this Act on account of anything done for the purposes of this Act or done in good faith and purporting to be for the purposes of this Act.

(2) No liability shall be incurred by any person referred to in section 103 or section 104 who, acting pursuant thereto or acting in good faith and purporting to act pursuant thereto, detains any person or exercises any other power thereunder.

**114. General civil penalty.** A person who contravenes or fails to comply with any provision of this Act is guilty of an offense and, save where a specific civil penalty is otherwise provided, is liable, in case of a body corporate, to a civil penalty of up to \$20,000 and, in the case of a natural person, to a civil penalty of up to \$10,000. Provided, however, the Commission shall not attempt to assess penalties and fines against any individual or entity who has not submitted an application for a license to the Commission or received a license from the Commission.

**115. Proceedings for offenses.** A prosecution for an offense against this Act may be commenced within one year from the time when the matter of complaint arose or within 6 months after the matter of complaint comes to the knowledge of the complainant, whichever is the period later to expire.

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**116. Institution of proceedings.** (1) Without limiting the provisions of subsection (2), proceedings for an offense against section 101 or 102 may be instituted by a member of the Attorney General's Office.

(2) Proceedings for an offense against this Act may be instituted by the Executive Director or by a person authorized in writing by the Commission referring any matters that the Commission believes to be appropriate for criminal prosecution to the Office of the Attorney General. The Attorney General's Office shall then review and evaluate the referral and independently determine whether a criminal prosecution should be undertaken.

(3) In any case where power is given to arrest an offender, the power and authority to proceed against an offender by way of complaint and summons under 6 CMC § 6101 also lies and shall have full force and effect.

**117. Attempt to commit offense.**

(1) A person shall not attempt to commit an offense against this Act.

(2) A person found in violation of the offense against this Act is liable to the same penalty as an offender convicted of the offense itself unless he proves that he desisted of his own motion from the further prosecution of his intention without its fulfillment being prevented by circumstances independent of his will, in which case he is liable to one half of the penalty to which he would otherwise be liable.

(3) A person may be found in violation of attempting to commit an offense upon a complaint charging him with that offense.

**118. Liability for offense by body corporate.**

(1) Where a body corporate commits an offense against this Act, each of the following persons shall be deemed to have committed the offense and, notwithstanding 6 CMC § 301 or any other rule of law or practice, to be responsible for the act or omission concerned therein and may be charged with the offense and punished accordingly —

- (a) the person who at the time of the commission of the offense was the chairman of directors, managing director, manager or other governing officer by whatever name called and each member of the governing body by whatever name called of the body corporate; and
- (b) every person who, at the time of the commission of the offense, managed or acted or took part in the management, administration or government of the business in the Municipality or the Commonwealth of the body corporate.

(2) This section applies to as not to limit or affect in any way the liability of a body corporate to be proceeded against and punished for an offense against this Act committed by it.

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(3) It is a defense to a charge for an offense against this Act brought against a person specified in subsection (1)(a) or (1)(b) to prove that the offense was committed without that person's knowledge or consent or connivance and that he exercised due diligence to prevent the commission of the offense.

(4) Personal liability for an offense committed by a body corporate shall be imposed only against the officers, directors and shareholders of the corporation for those corporations who have submitted an application for a license or who have been granted a license by the Commission.

**122. Service of notices, documents, etc.**

(1) Save where any other provision of this Act otherwise provides, any direction, order, requisition or notice in writing or any other document or writing (hereinafter in this section referred to as a document) required or authorized by this Act to be given to or served upon any person shall be taken to have been duly given or served if —

- (a) it is served personally on the person to whom it is directed or on a person authorized by that person, either generally or in a particular case, to accept service of documents on his behalf;
- (b) it is left at the place of residence or business of the person to whom it is directed last known to the person who gives or serves it;
- (c) it is sent by mail to the place of residence or business of the person to whom it is directed last known to the person who gives or serves it;
- (d) where a manner of service is prescribed by any other Act or law in relation to a person or class of person, it is served in the manner so prescribed.

(2) Where any document is given or served, the person who gives or serves it may attend before a justice and depose an oath and in writing endorsed on a copy of the document to the manner of service thereof showing therein the date of personal service, leaving, posting or service in any other manner prescribed as aforesaid, as the case may be, of such document.

**123. Evidentiary provisions.** In the proceedings under this Act —

- (a) it shall not be necessary to prove the appointment of the Commission, the Executive Director, any inspector or any officer of the Tinian Casino Gaming Control Commission, the Commonwealth Director of Public Safety, or any member of the police force;
- (b) a signature purporting to be that of any person in any capacity referred to in paragraph (a) shall be taken to be the signature it purports to be until the contrary is proved. The evidentiary provisions of the Adminis-

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trative Procedure Act shall apply to all evidentiary hearings.

**121. Regulations.**

(1) The Commission may make regulations, not inconsistent with this Act, for or with respect to —

- (a) the types of work a casino key employee or casino employee may be licensed to perform and the compilation of a list or lists with respect thereto;
- (b) arrangements and procedures for the taking of finger prints and palm prints of an applicant for a casino key employee license or a casino employee license;
- (c) forms to be used for the purpose of this Act and prescribing such forms and by whom prescribed forms or any particular prescribed forms shall be printed;
- (d) restrictions or conditions to be placed upon the entry into the casino by persons who are not registered as guests of the casino-hotel;
- (e) any matter or thing in relation to the administration of this Act in respect of which a fee is payable and prescribing the amount of such a fee, except that no regulation can reduce the amount of the fees as listed in Part VI of this Act;
- (f) the control of advertising by casino licensees, lessees under casino leases and casino operators under casino management agreements in relation to casinos and their operation;
- (g) offenses against the regulations and prescribing the amount of an penalty for an offense against any regulation, provided that any such penalty shall not exceed \$500;
- (h) all matters required or permitted by this Act to be prescribed where such matters are to be or may be prescribed by the regulations or where the method of prescription is not otherwise provided;
- (i) all matters that may be convenient for the administration of this Act or that may be necessary or expedient to achieve the objects and purposes of this Act;
- (j) such regulations shall be adopted, amended, and repealed in accordance with the provisions of the “Administrative Procedure Act.”
- (k) Consistent with the provisions of this Act and the Administrative Procedure Act, the commission may, after notice provided in accordance with this subsection, authorize the temporary adoption, amendment

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or repeal of any rule concerning the conduct of gaming or the use or design of gaming equipment for an experimental period not to exceed 90 days for the purpose of determining whether such rules should be adopted on a permanent basis in accordance with the requirements of this section. Any temporary modification of rules or similar rules experiment authorized by this subsection shall be conducted under such terms and conditions as the commission may deem appropriate.

(2) The commission shall, without limitation on the powers conferred in the preceding section, include within its regulations the following specific provisions in accordance with the provisions of this act:

- (a) Prescribing the methods and forms of application which any applicant shall follow and complete prior to consideration of his application by the commission;
- (b) Prescribing the methods and procedures and forms for delivery of information concerning any person's family, habits, character, associates, criminal record, business activities and financial affairs;
- (c) Prescribing procedures for the fingerprinting of an applicant, employee of a licensee, or registrant, or other methods of identification which may be necessary in the judgment of the commission to accomplish effective enforcement of restrictions on access to the casino floor and other restricted areas of the casino hotel complex;
- (d) Prescribing the manner and procedure of all hearings conducted by the commission or any hearing examiner, including special rules of evidence applicable thereto and notices thereof;
- (e) Prescribing the manner and method of collection of payments of taxes, fees, and penalties;
- (f) Defining and limiting the areas of operation, the rules of authorized games, odds, and devices permitted, and the method of operation of such games and devices;
- (g) Regulating the practice and procedures for negotiable transactions involving patrons, including limitations on the circumstances and amounts of such transactions, and the establishment of forms and procedures for negotiable instrument transactions, redemptions, and consolidations;

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- (h) Prescribing grounds and procedures for the revocation or suspension of operating certificates and licenses;
- (i) Governing the manufacture, distribution, sale, and servicing of gaming devices and equipment;
- (j) Prescribing the procedures, forms and methods of management controls, including employee and supervisory tables of organization and responsibility, and minimum security standards, including security personnel structure, alarm and other electrical and visual security measures;
- (k) Prescribing the qualification of, and the conditions pursuant to which, engineers, accountants, and others shall be permitted to practice before the commission or to submit materials on behalf of any applicant or licensee; provided, however, that no member of the Tinian Municipal Council, nor any firm with which said member is associated, shall be permitted to appear or practice or act in any capacity whatsoever, except as to percipient witness, before the commission or division regarding any matter whatsoever, nor shall any member of the family of the Mayor of Tinian and Aguiguan or a member of the Council be permitted to so practice or appear in any capacity whatsoever before the commission or division regarding any matter whatsoever;
- (l) Prescribing minimum procedures for the exercise of effective control over the internal fiscal affairs of a licensee, including provisions for the safeguarding of assets and revenues, the recording of cash and evidence of indebtedness, and the maintenance of reliable records, accounts, and reports of transactions, operations and events, including reports to the commission;
- (m) Providing for a minimum uniform standard of accountancy methods, procedures and forms; a uniform code of accounts and accounting classifications; and such other standard operating procedures, as may be necessary to assure consistency, comparability, and effective disclosure of all financial information, including calculations of percentages of profit by games, tables, gaming devices and slot machines;
- (n) Requiring periodic financial reports and the form thereof, including an annual audit prepared by a certi-

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fied public accountant licensed to do business in the Commonwealth, attesting to the financial condition of a licensee and disclosing whether the accounts, records and control procedures examined are maintained by the licensee as required by this Act and the regulations promulgated hereunder;

- (o) Governing the advertising of casino licensees, their employees and agents, with the view toward assuring that such advertisements are in no way deceptive; provided, however, that such regulations shall not prohibit the advertisement of casino location, hours of operation, or types of games and other amenities offered, but in no circumstance shall permit the advertisement of information about odds, the number of games, or the size of the casino; and provided further, however, that such regulations shall require the words "Bet with your head not over it" to appear on all billboards, signs and other on-site advertising casino operation;
  - (p) Governing entertainment presented by casino licensees in accordance with the prevailing community standards as determined by the commission;
  - (q) Casino and casino licensee are subject to 4 CMC § 5511 et seq., and the regulations adopted thereunder by the Commonwealth Alcoholic Beverage Control Board except for:
    - (i) the regulation and control of hours that a casino may serve alcoholic beverages; and
    - (ii) the function and control as to when patrons must leave the casino.
  - (r) Limiting signs and other on-site advertising, with a view toward minimizing solicitation for gaming purposes from the public thoroughfares or otherwise dominating or despoiling the architecture or environment of the island;
  - (s) Requiring a gambling permit to be issued after showing that he or she has adequate financial resources; and
  - (t) Providing for minimum building code standards. Provided, however, that such standards are in addition to any and all other building codes applicable to construction on Tinian.
- (3) The power to regulate conferred by this section includes the power to prohibit.

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**122. Violations; civil penalties.** Violations of this Act shall be prosecuted by the Executive Director or his designee before the Tinian Casino Gaming Control Commission or a hearing officer designated by said Commission.

- (a) For each violation of sections 84(3) of this Act the person found in violation shall be subject to a civil penalty of up to \$1,000.
- (b) For each violation of sections 12(3), 17(3), 59, 61, 63, 64, 65, 74, 76, 77, 79, 80, 82, 84(2), 87, 97, 98, 100(3), 100(4)(a), 100(4)(b), or 106 of this Act the person found in violation shall be subject to a civil penalty of up to \$5,000.
- (c) For each violation of sections 101, 102, 105, 107, 109(1), or 109(2) of this Act the person found in violation shall be subject to a civil penalty of up to \$50,000.
- (d) Civil penalties to be assessed under this Section may be assessed only against those individuals or entities who have filed an application for a license or have received a license from the Commission.
- (e) The provisions of Section 89(4) shall be applicable to this Section.
- (f) All monies collected pursuant to this section shall be paid to the Tinian Municipal Treasurer.

**123. Attorney fees and costs.** Should it become necessary, in the opinion of the Commission, to enforce any provision of this Act against any licensee, then the licensee shall pay all reasonable attorney fees and costs incurred by the Commission.

**124. Severability.** If any provision of this Act is held invalid by a court of competent jurisdiction, the remainder of this Act shall not be affected thereby.

**125. Applicability of Act.** This is a local law and it shall apply only in the Second Senatorial District (Tinian).

**126. Effective Date.** This Act shall take effect on January 1, 1990, upon its ratification by two thirds of the votes of the qualified voters in the Second Senatorial District (Tinian) in the 1989 general election.

**PART XII — DECLARATION OF POLICY**

The people of Tinian find and declare to be the public policy of the Second Senatorial District, the following:

- (1) The tourist, and resort industry of Tinian constitutes an essential component of its economic structure and, if properly developed, controlled and fostered, is capable of providing a substantial contribution to the general welfare, health and prosperity of Tinian, its inhabitants, and the people of the Commonwealth.

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(2) By reason of its location and prominence within the inhabited islands of the entire Commonwealth, Tinian is a valuable asset in the tourist and resort industry of the Northern Mariana Islands.

(3) The fostering and encouragement of the tourism and entertainment industries will offer a unique opportunity for the inhabitants of Tinian and the entire Commonwealth to make maximum use of the resources for the expansion and encouragement of a hospitality industry.

(4) Restricting the issuance of casino license to major hotel-casino complex is designed to assure that casinos licensed pursuant to the provisions of this Act are always offered and maintained as an integral element of such hospitality facilities, rather than as the industry unto themselves that they have become in other jurisdictions.

(5) An integral and essential element of the regulation and control of such casino facilities rests in the public confidence and trust in the credibility and integrity of the regulatory process and of casino operations. To further such public confidence and trust, the regulatory provisions of this act are designed to extend strict regulation to all persons, locations, practices and association, related to the operation of licensed casino enterprises and all related service industries as herein provided. In addition, comprehensive law enforcement supervision attendant thereto, is further designed to contribute to the public confidence and trust in the efficacy and integrity of the regulatory process.

(6) Legalized casino gaming in Tinian can attain, maintain and retain integrity, public confidence and trust, and remain compatible with the general public interest only under such a system of control and regulation as insurer, so far as practicable, the exclusion from participation therein of persons with known criminal records, habits or associations, and the exclusion or removal from any positions of authority or responsibility within casino gaming operations and establishments of any persons known to be so deficient in business probity, ability or experience, either generally or with specific reference to gaming, as to create or enhance the dangers of unsound, unfair or illegal practices, methods and activities in the conduct of gaming or the carrying on of business and financial arrangements incident thereto.

(7) Since the public has a vital interest in casino operation on Tinian sanctioned by passage of this Act in conformity with the gambling provisions under the Commonwealth Constitution, participation in casino operations as a licensee or registrant under this Act shall be deemed a revocable privilege conditioned upon the proper and continued qualification of the individual licensee or registrant and upon the discharge of the affirmative responsibility of each such licensee or registrant to provide to the regulatory and investigatory authorities established by this Act any assistance and information necessary to assure that the policies declared by this Act are achieved. Consistent with this policy, it is the intent of this Act to preclude the creation of any property right in any license, registration, certificate or reservation permitted by this Act, the accrual of any value to the privilege or participation in gam-

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ing operation, or the transfer of any license, registration, certificate, or reservation, and to require that participation in gaming be solely conditioned upon the individual qualification of the person seeking such privilege.

(8) Since casino operations are especially sensitive and in need of public control and supervision, and since it is vital, to the interests of the Municipality of Tinian to prevent entry, directly or indirectly, into such operations or the ancillary industries regulated by this act of persons who have pursued economic gains in an occupational manner or context which are in violation of the criminal or civil public policies, the regulatory and investigatory powers and duties shall be exercised to the fullest extent consistent with law to avoid entry of such persons into the casino operations or the ancillary industries regulated by this act.

(9) Since the development of casino gaming operations on Tinian will substantially impact the physical environment of this island in the Commonwealth, and since it is necessary to insure that this substantial alteration be beneficial to the overall ecology of the island, regulatory and investigatory powers and duties conferred by this act shall include, in cooperation with other public agencies, the power and duty to monitor and regulate casinos and the growth of casino operations to respond to the needs of the community.

(10) The facilities in which licensed casinos are to be located are of vital law enforcement and social interest to the Commonwealth, and it is in the public interest that the regulatory and investigatory powers and duties conferred by this act include the power and duty to review architectural and site plans to assure that the proposal is suitable by law enforcement, aesthetic and architectural standards.

(11) Since the economic stability of casino operations is in the public interest and fair and competition in the casino operation of Tinian is important, the regulatory and investigatory powers and duties conferred by this act shall include the power and duty to regulate, control and prevent economic concentration in the casino operations and the ancillary industries regulated by this act, and to encourage and preserve competition.

(12) It is in the public interest that the institution of licensed casino establishments be strictly regulated and controlled pursuant to the above findings and pursuant to the provisions of this Act, which provisions are designed to engender and maintain public confidence and trust in the regulation of the licensed enterprises, to provide a meaningful and permanent contribution to the economic viability of the resort and tourist industry of Tinian and the Commonwealth.

(13) Continuity and stability in casino gaming operations cannot be achieved at the risk of permitting persons with unacceptable backgrounds and records of behavior to control casino gaming operations contrary to the vital law enforcement interests of Tinian and the Commonwealth.

(14) The aims of continuity and stability of law enforcement officials will best be served by a system in which continuous casino operation can be as-

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sured under certain circumstances wherein there has been a transfer of property or another interest relating to an operating casino and the transferee has not been fully licensed or qualified, as long as control of the operation under such circumstances may be placed in the possession of person or persons in whom the public may feel a confidence and a trust.

(15) A system whereby the suspension or revocation of casino operations under certain appropriate circumstances causes the imposition of conservatorship upon the suspended or revoked casino operation serves both the economic and law enforcement interests involved in casino gaming operations.

TLL 18-5 (Oct. 25, 2013) amended the Revised Tinian Casino Gaming Control Act, *supra*. TLL 18-5 contained, in addition to savings and severability clauses, the following:

Section 1. Findings and Purpose. The Tinian and Aguiguan Legislative Delegation finds that it is in the best interest of the Second Senatorial District to modernize the casino tax structure in the Revised Tinian Casino Gaming Control Act to make it more competitive with other Asian Casino destinations, to adapt to the modern trend in Asian style gaming taxation, and to allow for an emphasis on, and better access to, the Asian “high roller” gaming market.

Section 50(3) of the Revised Tinian Casino Gaming Control Act provides for a casino tax, which includes a gross revenue surtax and a gambling revenue tax. This bill would replace this surtax and gambling revenue tax with a new gambling revenue tax geared to Asian style gaming and the “high roller” premium player for which Asian Casino markets heavily compete. We believe that adopting a tax system that provides incentives for “high rollers” to come to Tinian casinos and gamble, instead of going to places such as Macau or Singapore, or any other Asian casinos recently opened or are expected to be opening soon (*e.g.* Manila and Vietnam) is in the best interests of the people of Tinian. This is because we believe that establishing a tax system that attracts “high rollers” to Tinian will result in higher revenues for Tinian Casinos and higher tax revenues for the people of Tinian.

This new gambling revenue tax is intended to be collected and administered in the same manner as set for in Part VI of the Revised Tinian Casino Gaming Control Act. No other amendment to the Revised Tinian Casino Gaming Control Act is intended by this legislation.

Section 2. Amendment. Section 4 of Part I of the Revised Tinian Casino Gaming Control Act shall be amended to add a new defined term as follows:

“Premium player” means a patron of a casino who opens a deposit account with the casino operator with a credit balance of not less than US \$20,000.00.

Section 3. Amendment. Section 50(3)(a) of the Revised Tinian Casino Gaming Control Act shall be amended to read as follows:

A gambling revenue tax pursuant to 1 CMC § 11402(c)(4) equal to five percent of the gross gaming revenue for the month from premium

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players and from gambling amusement machines used exclusively by premium players, payable on or before the seventh day of the month following the month the revenue was received.

Section 4. Amendment. Section 50(3)(b) of the Revised Tinian Casino Gaming Control Act shall be amended to read as follows:

A gambling revenue tax pursuant to 1 CMC § 1402(c)(4) equal to fifteen percent of the gross gaming revenue for the month from any other (non-premium) player and from gambling amusement machines used by other (non-premium) players, payable on or before the seventh day of the month following the month the following month the revenue was received.

Section 5. Amendment. Section(3)(c) of the Revised Tinian Casino Gaming Control Act shall be deleted.