COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS



COMMONWEALTH REGISTER

VOLUME 31 NUMBER 3

MARCH 26, 2009

COMMONWEALTH REGISTER

VOLUME 31 NUMBER 3

MARCH 26, 2009

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial Governor Timothy P. Villagomez
Lieutenant Governor

EXTENSION OF EMERGENCY Volcanic of Anatahan

WHEREAS, On May 13, 2003, a Declaration of Emergency was issued with respect to volcanic activity on the island of Anatahan; and

WHEREAS, said Declaration declared the island of Anatahan as unsafe for human habitation and restricted all travel to said island with the exception of scientific expeditions; and

NOW, THEREFORE, I, BENIGNO R. FITIAL, by the authority vested in me as Governor, and pursuant to Article III, Section 10 of the Commonwealth Constitution and 3 CMC §5121, and in accordance with the Emergency Management Office, Commonwealth of the Northern Mariana Islands and US Geological Survey, do hereby extend a state of disaster emergency in the Commonwealth with the respect of the island of Anatahan under the same terms and conditions as are contained in the original Declaration.

This Extension of Emergency shall remain in effect for thirty (30) days, unless the Governor shall, prior to the end of the 30-day period, notify the Presiding Officers of the Legislature that the state of emergency has been revoked or further exteded for a like term, and giving reasons for extending the emergency.

Dated this 02th of March 2009,

BENIGNO R. FITIAL

Governor

Ce:

Lt. Governor (Fax: 664-2311) Senate President (Fax: 664-8803) House Speaker (Fax: 664-8900)

Mayor of the Northern Islands (Fax: 664-2710)

Executive Assistant for Carolinian Affairs (Fax: 235-5088)

Attorney General (Fax: 664-2349) Secretary Of Finance (Fax: 664-1115)

Commissioner of Public Safety (Fax: 664-9027)

Special Assistant for Management and Budget (Fax: 664-2272)
Special Assistant for Programs and Legislative Review (Fax: 664-2313

Press Secretary (Fax: 664-2290) United States Coast Guard (236-2968)

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ROTA CASINO GAMING COMMISSION

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

POST OFFICE BOX 1547, ROTA, MP 96951 PHONE: 1.670.532.7242 EMAIL: rotacommission@gmail.com

PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF **ROTA CASINO GAMING COMMISSION**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER Proposed Regulations Vol. 30 No. 12 pages 028995 to 029098 Published on December 22, 2008

The Rota Casino Gaming ACTION TO ADOPT PROPOSED REGULATIONS: Commission, HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register Volume 30 Number 12 pages 028995 to 029098, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Commissioners announced that they intended to adopt them as permanent, and now does so. Id. I also certify by signatures which adopted the regulations are true and complete and correct of the reference Proposed Regulations and that they have been adopted with modifications and amendments as follows:

PRIOR PUBLICATION: The prior publication was as stated above. The Rota Casino Gaming Commission unanimously adopted the regulations as final at its meeting on March 06, 2009.

MODIFICATION FROM PROPOSED REGULATIONS: The entire Rules and Regulations Chapters I, II, III, IV & V specifically identified in Commonwealth Register Volume 30 Number 12 pages 028995 to 029098 in its entirety is HEREBY AMENDED to reflect publication in the Commonwealth Register Volume 30 Number 12 pages 028995 to 029098 " (December 22, 2008)" and final publication of this notice shall reflect the changes. I further request and direct that this Notice be published in the Commonwealth Register.

AUTHORITY: Pursuant to the Rota Casino Act of 2007, the Rota Casino Gaming Commission was established with five (5) Commissioners granting full authority to establish its rules and regulations necessary for the establishment and operation of the Commission.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104 (a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND COMMISSION CONCISE STATEMENT: Pursuant to the APA, 1 CMC § 9104(a)(2), the Rota Casino Gaming Commission has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the

DIEGO M. SONGAO, Chairman * ELPHREM S. TAIMANAO, Vice Chairman JUSTIN S. MANGLONA, Secretary * MELCHOR A. MENDIOLA, Member * ABELINA T. MENDIOLA, Member

MARCH 26, 2009

Rota Casino Gaming Commission, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for the Rota Casino Gaming Commission's concise statement, if any, in response to filed comments.

ATTORNEY GENERAL APPROVAL for modified regulations: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153(e) to review and approve as to form and legal sufficiency, all rules and regulations to be promulgated by the Rota Casino Gaming Commission, except as otherwise provided by law.

I DECLARE under penalty of perjury that the above foregoing is true and correct and that this Declaration was executed on March 06, 2009 on Rota, Commonwealth of the Northern Mariana Islands.

March 6, 2009

Certified and Ordered by:

Rota Casino Gaming Commission	Duic
VICTORINO DLG. TORRES, Esq. Counsel Rota Casino Gaming Commission	Murch 04, 2009 Date
Pursuant to 1 CMC § 2153(e) (AG approval of regulations of the certification of the cited proposed regulations, have be legal sufficiency by the CNMI Attorney General, (publication of rules and regulations)).	ned final regulations, modified as indicated een reviewed and approved as to form and
Gregory Baka	22 March 2009
GREGORY BAKA, Acting Attorney General	Date
File and Recorded By:	
Anidas	03.23.09
ESTHER M. SAN NICOLAS Commonwealth Register	Date



ROTA CASINO GAMING COMMISSION

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

POST OFFICE BOX 1547, ROTA, MP 96951 PHONE: 1.670.532.7242 EMAIL: rotacommission@gmail.com

NO. 2009-2

RESOLUTION

On this 6th day of March 2009, before a duly organized and announced regular meeting held on February 24, 2009 which was placed on recessed and continued on this day, the Commissioners for the Rota Casino Gaming Commission approved this resolution as follows:

WHEREAS, the Rota Casino Gaming Commission (hereafter "RCGC") is authorized to establish its own Rules and Regulation pursuant to the Rota Casino Gaming Act 2007;

WHEREAS, consistent with its authority to establish its own Rules and Regulations, the Commissioners declare the following:

The Rules and Regulations Chapters I, II, III, IV & V specifically identified in Commonwealth Register Volume 30 Number 12 pages 028995 to 029098 in its entirety is HEREBY AMENDED with the attached document to reflect publication in the Commonwealth Register Volume 30 Number 12 pages 028995 to 029098 " (December 22, 2008)" and the final publication of this notice shall reflect the changes.

WHEREAS, the Commissioners hereby request and direct that this Notice be published in the Commonwealth Register.

NOW THEREFORE, we the undersigned, as Commissioners of the Rota Casino Gaming Commission, pursuant to the Rota Casino Act of 2007, hereby set forth and unanimously approve Resolution Number 2009-2 as described above in the Island of Rota Commonwealth of the Northern Mariana Islands on the date first written above.

JUSTIN S. MANGLONA

SECRETARY OF THE COMMISSION

MELCHOR A. MENDIOLA

MEMBER OF THE COMMISSION

ELPHRÉM S. TAIMANAO

VICE CHAIRMAN OF THE COMMISSION

ABELINAT. MENDIOLA

MEMBER OF THE COMMISSION

DIEGOM. SONGAO

CHAIRMAN OF THE COMMISSION



ROTA CASINO GAMING COMMISSION

POST OFFICE BOX 1547, ROTA, MP 96951

WE THE UNDERSIGNED, BEING ALL OF THE CHARTER MEMBERS OF THE ROTA CASINO GAMING COMMISSION, PURSUANT TO THE ROTA CASINO ACT OF 2007, WE AS THE MEMBERS OF THE COMMISSION HEREBY SET FORTH AND UNANIMOUSLY DRAFTED AND SUBMIT THE ROTA CASINO GAMING COMMISSION RULES AND REGULATIONS WITH THE AMENDED SECTIONS AS INDICATED IN THE ATTACHED PUBLIC NOTICE.

SIGNED AND DATED ON 6th DAY OF MARCH IN THE YEAR 2009, IN THE ISLAND OF ROTA OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

CHAIRMAN OF THE COMMISSION

VICE CHAIRMAN OF THE COMMISSION

JUSTIN S. MANG

SECRETARY OF THE COMMISSION

MELCHOR A. MENDIOLA

MEMBER OF THE COMMISSION

ABELINA T. MENDIOLA

MEMBER OF THE COMMISSION

LEGAL SUFFICIENCY:

COMMONWEALTH REGISTER

THE FOLLOWING RULES AND REGULATIONS OF THE ROTA CASINO GAMING COMMISSION HAS BEEN RECEIVED AND APPROVED FOR LEGAL SUFFICIENCY.

VICTORINO DLG TORRES, Eso.

LEGAL COUN







ROTA CASINO GAMING COMMISSION

RULES AND REGULATIONS

March 2009

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MARCH 26, 2009

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MISSION STATEMENT

TO SERVE THE COMMUNITY
BY ENSURING THE INTEGRITY
OF THE CASINO INDUSTRY,
AND TO PROVIDE
OPPORTUNITIES,
ECONOMIC GROWTH
FOR ROTA AND
THE COMMONWEALTH.

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STATEMENT OF PURPOSE

To protect the reputation of Rota by seeking:

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

MARCH 26, 2009

INTRODUCTION

From 1991 to 2003, the people of Rota have tried four (4) times, through public initiative, to allow Casino operation without success. However, in November 2007 election, the people by overwhelming vote (85% vote cast) finally approved the public initiative to allow Casino gaming. This law is now known as the Rota Casino Act of 2007. The Act provides for the establishment of a Rota Casino Gaming Commission. There are five (5) Commission members appointed by the Mayor and confirmed by the Rota Municipal Council.

The Commission is the governing body authorized by the Act to promulgate Rules and Regulations. The Rules and Regulations includes: receiving application, impose fees, process application for eligibility, issue licenses, conduct hearings, and enforces for compliance.

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

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

Anything in the application document or supplementary documents prepared for the purpose of soliciting applications for Casino Gaming License under the terms of the Rules and Regulations does not form part of any agreement nor does it amount to a representation that the Commission will act in any way.

With its rich history and tradition of having the friendliest people in the Marianas and with the protection of the American Judicial System and US Laws, investing on Rota can be mutually beneficial to both investors and the people of Rota. If you are serious in investing on Rota, you may find Rota a perfect choice of location for your Casino, with Guam as your closest customer base and China, Japan, South Korea, Taiwan, Hong Kong, and Manila with only three (3) to five (5) hours flight time to Rota.

DEFINITIONS OF TERMS

Act

Means the Rota Casino Act of 2007

Authorized Personnel

Means any member or designee of the Rota Casino Gaming Commission.

Casino

Means a place, area, structure, subject to license under Section 6(a) of the Rota Casino Act of 2007 for the conduct and playing of one or more games, including associated activities, such as money counting, surveillance, accounting, and storage, related to such conduct and playing.

Casino Employee

Means an individual who is employed in the operation of a Casino and who "Does Not Supervise" other individuals employed in the Casino and include:

- 1) A dealer, a security employee, count room employee, a cashier's cage employee, a slot machine employee, a slot booth employee and a surveillance employee, an audit and accounting employee and a data processing employee.
- 2) Any other individual, including a maintenance employee and a food and beverage server, who has access to the Casino.
- 3) Any employee whatsoever of a Casino Licensee so designated by the Commission.

Casino Gaming

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Means card games, table games and other games of chance, including without limitation Slot Machines, blackjack, poker, dice, roulette, baccarat, and money-wheels and video facsimiles of all such games.

Casino Gaming Licensee

Means the holder of the license to operate Casino Gaming at the Casino Gaming Facility.

Casino Gaming Service Provider

Means Gaming Equipment Distributor (any person who distributes, sells, supplies or markets gaming equipment). Gaming Equipment Industry (gaming equipment manufacturers, produces or assembles gaming equipment). Gaming Equipment Manufacturer (any person who manufactures gaming equipment). Gaming Equipment Servicer (any person who maintains, services or repairs gaming equipment). Gaming School (an individual or an institution that provides training for Casino employees).

Casino Key Employee

Means an individual who is employed in the operation of a Casino and who "Supervises" other individuals employed in the Casino and includes:

- 1) A manager, an assistant manager, a floor person, a pit boss, a shift boss, a credit manager, and a count room manager; and
- 2) A supervisor of security employees, surveillance employees, accounting auditing employees, and cashier's or count room employees; and
- 3) Any employee whatsoever of a Casino Licensee so designated by the Commission.

Casino Licensee

Means the holder of the license to operate Casino Gaming at the Casino Gaming Facility.

Casino Non-Gaming-Related Supplier

Means a person who provides for the playing of games of chance in a casino, gaming equipment that is not mentioned in the definition of casino gaming-related supplier in this Section, or goods or services that relate to the construction, furnishing, repair, maintenance or business of a casino, but that are not directly related to the playing of games of chance.

Casino Security Service

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Means any non-governmental enterprise providing physical security services to a Casino, a Casino licensee, to an approved hotel or to any premises located with a Casino hotel complex.

Casino Service Provider

Means a person subject to license under Section 6(b) of the Rota Casino Act of 2007 that offers goods or services directly related to gaming, including such persons as gaming equipment manufacturers, importers, distributors, or repairers; schools that teach gaming, including playing, dealing, or other techniques; and Casino security services.

Chairman (Chair)

Means the Chairman of the Rota Casino Gaming Commission also acts as the Chief Executive Officer of the Commission. The Chairman presides over Commission and conduct the business of the Commission.

CMC

Means the Commonwealth Marianas Code.

CNMI

Means the Commonwealth of the Northern Mariana Islands.

Commission

Means the Commission means the Rota Casino Gaming Commission established by Section 3 of the Rota Casino Act 2007; it is the governmental body charged with regulating Casino and other types of gaming and of enforcing gaming law in general. The official name of this regulatory body is the Rota Casino Gaming Commission.

Commissioner

Means the commission member of the Rota Casino Gaming Commission.

Commonwealth

Means the Commonwealth of the Northern Mariana Islands.

Confidential Information

Means any information or data, furnished to or obtained by the Commission from a source, which is considered confidential pursuant to the applicable statutory provision, judicial decision or rule of court.

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Executive Director

The Executive Director of the Rota Casino Gaming Commission is the senior manager or executive officer of the Commission office. Responsible for the day-to-day operation of the Commission, including managing staff in collaboration with the Commission. In essence, the Commission grants the Executive Director the authority to run the RCGC and is accountable to the Chairman of the Commission.

Financial Year

Means the period of 12 months ending on 30 September in any year or, where the Rota Casino Gaming Commission approves some other date as the terminating date of a financial year in a particular case, the period of 12 months ending on a date so approved.

Fiscal Year

Means the fiscal year shall be the period commencing on October 1 and ending the subsequent September 30.

Game

Means any activity that includes elements of prize, consideration, and chance.

Gaming

Means the playing of any game.

Gaming Equipment

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

Gross Gaming Revenue

Means an imposed Rota Gaming Tax equal to Ten Percent (10%) of the gross gaming revenue of any casino subject under the Rota Casino Act of 2007. The term "gross gaming revenue" means the total of all sums received as winnings less only the total of all sums paid out as losses by a Casino under a gaming license. In regards to tournament fees, it shall equal the total contribution to the tournament fees while playing at the Casino minus any credits, bonuses paid, charge backs, or costs attributable directly and specifically to the player in that specific tournament.

Hotel/Casino Complex

Means an establishment that provides lodging accommodations and gaming facilities required under the Rules and Regulations.

Junket

Means a Casino junket, where gamblers are flown to an area where legalized gambling is available and booked into a Hotel/Casino.

Members

Means the members of the Rota Casino Gaming Commission.

Municipality

Means the Municipality of Rota in the First Senatorial District, Commonwealth of the Northern Marianas.

Operator

Means a person that actually provides the overall management of the operations of a Casino, whether by ownership, lease, contract, agreement, or otherwise.

Person

Means and includes a natural person, as well as a partnership, corporation, association, joint venture, or other business entity.

RCGC

Means the Rota Casino Gaming Commission as created by the Rota Casino Act of 2007.

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RCGC Logo

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

Rota Casino Gaming Commission

Means the regulatory agency of local government established by the Rota Casino Act of 2007.

Rota Municipal Treasurer

Means a person appointed by the Mayor who's primarily responsibility is to collect and account for all revenues derived from Casino industry.

Rules and Regulations

Means the policies promulgated by the Rota Casino Gaming Commission.

Sales Representative

Means any person owning an interest in, employed by or representing a Casino service industry enterprise licensed, who solicits the goods and services or business thereof.

Secure Storage Facility

Means any area, room, furniture, equipment, machinery or other device used by the Commission for the storage of confidential information access to which is limited to authorized personnel at all times by lock or other appropriate security precaution.

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Severability

Means if any provision of the Rules and Regulations or any application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or the application of these Rules and Regulations which can be given effect without the invalid provision and, to this end, the provisions of these Rules and Regulations are "severable."

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COMMONWEALTH REGISTER

CHAPTER 1

GENERAL PROVISION

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VOLUME 31

SUBCHAPTER 1. CONSTRUCTION AND APPLICATION OF RULES

1-1.1 AUTHORITY

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

1-1.2 CONSTRUCTION AND AMENDMENTS

- These Rules and Regulations shall be constructed in accordance with a) generally accepted principles of statutory construction.
- b) These Rules and Regulations shall be liberally construed to permit the Commission to effectively carry out its statutory functions and to secure a just and expeditious determination of issues properly presented to the Commission.
- c) Nothing contained in these Rules and Regulations shall be so construed as to conflict with any provision of the Act.
- d) In special cases and for good cause shown, the Commission may relax or permit deviations from these Rules and Regulations.
- e) These Rules and Regulations may be amended by the Commission from time to time in accordance with the provisions of the Administrative Procedure Act (1 CMC 9101 et seq.).
- f) Whenever any provision of these Rules and Regulations requires that an act or event occur on a specified day or date, and such day or date falls upon Saturday, Sunday or Legal Holiday, such provision shall be construed to refer to the next business day immediately following such day or date.
- g) The Commission may authorize the temporary adoption, amendment or repeal of any Rules and Regulations concerning the conduct of gaming or the use or design of gaming equipment for an experimental period not to exceed ninety (90) days, for the purpose of determining whether such Rules and Regulations should be adopted on a permanent basis. Any interested person may file a petition for temporary rulemaking with Commission in accordance with the Rules and Regulations at 4-6.1 et seq.

1-1.3 WORDS AND TERMS; TENSE, NUMBER AND GENDER

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

- 1) Words in the present tense shall include future tense;
- Words in the masculine shall include the feminine and neutral 2) genders;
- 3) Words in the singular shall include the plural and the plural shall include the singular.

1-1.4 SEVERABILITY AND PREEMPTION

- If any clause, sentence, subparagraph, paragraph, subsection, section, a) chapter or other portion of these entire rules and regulations or the application thereof to any person or circumstance shall be held to be invalid, such holding shall not affect, impair or invalidate the remainder of these Rules and Regulations or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, chapter or other portion thereof directly involved in such holding or to the person or circumstance therein involved.
- b) The Commission shall have exclusive jurisdiction over all matters delegated to it or within the scope of its power under the provisions of the Act and these Rules and Regulations.

1-1.5 Practice where regulations do not govern

- a) In any matter not governed by these Rules and Regulations, the Commission shall exercise its discretion so as to carry out the purposes of the Act.
- b) The Commission may require an audit of its operations as needed.

SUBCHAPTER 2. ORGANIZATION AND OPERATION OF THE COMMISSION

1-2.1 ORGANIZATION

- a) The Commission consists of five (5) members appointed by the Mayor with the advice and consent of the Municipal Council. The commissioner who's term has expired and where the position has not been filled, may continue to serve for a period of not more that 30 days after their original term expiration date.
 - The officers of the Commission shall include a Chairman, Viceb) Chairman and Secretary who shall be members of the Commission. The officers of the Commission shall be elected biannually at the organizational meeting of the Commission by a majority of the full Commission. The Chairman, as Chief Executive Officer of the

Commission, shall schedule and preside at all meetings of the Commission; shall appoint the members of the Commission to such committees as the Commission may, from time to time, establish; shall have the authority to accept for filing all applications; shall have the authority to incur on behalf of the Commission such expenses as the Commission shall have approved in its operating budget or by majority vote of the Commission pursuant to a duly organized meeting; shall have general supervision, direction and control of the affairs of the Commission; and shall perform such other duties as are incidental to the office and as may be assigned, from time to time, by the Commission.

1-2.2 MEETINGS

- a) Regular meetings of the Commission shall be held at least once per month on Rota, CNMI, on such dates and at such times as the Commission shall establish.
- b) Special meetings of the Commission will be held from time to time on such dates and at such times and places as the Commission may deem convenient pursuant to the Open Government Act.
- c) The organizational meeting of the Commission shall be held every two (2) years from the date first (1st) organized.
- d) The Commission may prepare an agenda describing the order of business for public meetings, which agenda shall include, but not be limited to:
 - 1. Call to Order;
 - 2. Roll Call;
 - Adoption of Agenda;
 - 4. Adoption of Minutes;
 - Consideration of Applications for Licenses;
 - Consideration of Complaints Against Licenses;
 - 7. Consideration of Petitions for Commission Action or Approval;
 - 8. Chairman's Report;
 - 9. Committee Reports;
 - 10. Executive Director's report;
 - 11. Old Business;
 - 12. New Business;
 - 13. Miscellaneous;
 - 14. Adjournment.
- e) Where not inconsistent with either the Act or internal policies developed by the Commission, the newly revised Robert Rules of Order shall govern any procedural matters before the Commission or its committees.

QUORUM; VOTES 1-2.3

- A majority of the full Commission shall constitute a quorum at any a) meeting of the Commission. However four (4) commissioners are required to approve a casino or interim casino authorization, unless there is a commissioner removed with cause by the Mayor and approved by the Rota Municipal Council, at which time a simple majority of the quorum will be sufficient.
- The vote on any matter before the Commission shall be taken in a manner b) to be determined by the Commission. The names of the members voting for or against or abstaining shall be entered in the minutes of the meeting.

1-2.4 RESOLUTIONS AND MINUTES

- The records of the Commission shall include a minute book and a a) resolution book. The vote on any matter before the Commission shall be set forth in the minutes in accordance with requirements of (b) below. If the Commission determines to memorialize the vote on a particular matter by the preparation of a formal resolution, the resolution shall be prepared in accordance with the requirements of (c) below and shall be recorded in the resolution book.
- b) Every vote of the Commission recorded in the minutes shall include the following information:
 - 1) The substance of the matter considered:
 - 2) The vote of the Commission, including the names of any Commissioner dissenting or abstaining;
 - 3) If appropriate, reference to the existence of a formal resolution concerning the matter; and
 - 4) Certification by the Secretary of the Commission.
- Every formal resolution of the Commission shall include the following c) information:
 - 1) A concise statement of the issues presented and the relevant procedural history;
 - 2) The precise statutory authority for the action taken;
 - 3) A precise statement of the action taken by the Commission, including any terms or conditions attached thereof; and

Certification by the Secretary of the Commission. 4)

INFORMATION AND FILINGS SUBCHAPTER 3.

OFFICE MAILING ADDRESS AND HOURS 1-3.1

a) The main mailing address of the Commission is:

Post Office Box 1547 Rota, MP 96951

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

1-3.2 OFFICIAL RECORDS; FEES FOR COPIES

- No original official record of the Commission shall be released from the a) custody of the Commission unless upon the express direction of the Chairman or upon the order of a court of competent jurisdiction.
- b) Copies of the official records of the Commission which are required by law to be made available for public inspection will be made available during the hours provided for in 1-3.1(b), and upon the payment of appropriate fees.
- c) No person shall, directly or indirectly, procure or attempt to procure from the records of the Commission or from other sources, information of any kind which is not made available by proper authority.
- d) No application, petition, notice, report, document or other paper will be accepted for filing by the Commission and no request for copies of any forms, pamphlets, records, documents, or other papers will be granted by the Commission, unless such papers or request are accompanied by the required fees, charges, or deposits.
- e) Copies of official records of the Commission which are required by law to be made available for public inspection where copies are provided shall be Fifty Cent (\$.50) per page.
- f) All payment of Fees, deposits and charges shall be made payable to the order of the "Rota Municipal Treasurer" and delivered to the main office of the Commission or certified mailed to the mailing address of the Commission.

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1-3.3 COMMUNICATIONS/NOTICES

- a) Except as otherwise provided at 1-3.1, all papers, process or correspondence relating to the Commission should be addressed to or served upon the Rota Casino Gaming Commission at the Commission's main office.
- b) All such papers, process or correspondence shall be deemed to have been received or served when delivered to the main office of the Commission but a Commissioner or such individual members of the Commission's staff as the Chair may designate, may in his or her discretion receive papers or correspondence or accept service of process.
- c) Except as otherwise provided by law, notices and other communications from the Commission will be sent to an applicant or license by ordinary mail at the address shown in the application or license. Notices shall be deemed to have been served upon their deposit, postage prepaid, in the United States mails, and the time specified in any such notice shall commence to run from the date of such mailing. Any applicant or licensee who desires to have notices or other communications mailed to an address other than that specified in the application or license shall file with the Commission a specific request for that purpose, and notices and other communications will, in such case, be sent to the applicant or licensee at such address.

1-3.4 Public Information Office

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

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

1-3.5 FILING OF PETITIONS AND APPLICATIONS

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

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

PETITIONS FOR RULEMAKING 1-3.6

- Any interested person may file a petition with the Commission for the a) adoption, amendment or repeal of any rule, pursuant to Commission regulation. Such petition shall be in writing, be signed by the petitioner, and include the following information:
 - The name and address of the petitioner; 1)
 - The substance or nature of the requested rulemaking; 2)
 - The reasons for the request; 3)
 - 4) The specific legal rights, duties, obligations, privileges, benefits or other specific legal relations of the interested person which are affected by the requested rulemaking; and
 - 5) Reference to the statutory authority under which the Commission may take the requested action.
- b) Any document submitted to the Commission which is not in substantial compliance with this section shall not be deemed to be a petition for rulemaking requiring further action. The Commission may return the document to the petitioner with instructions as to the steps necessary to correct any defects or omissions in accordance with this section.
- c) A petition for rulemaking shall be scheduled for consideration at a regularly scheduled public meeting of the Commission. The petitioner shall be given an opportunity to make a statement in support of the requested rulemaking.
- d) Within sixty (60) days of receipt of a petition which is in compliance with this section, the Commission shall mail to the petitioner a notice of action on the petition, which shall include the nature or substance of the Commission's action upon the petition and a brief statement of reasons for the Commission's actions.
- e) Commission action on a petition for rulemaking may include:
 - 1) Approval or Denial of the petition;
 - 2) Filing a notice of proposed rule; or

3) Referral of the matter for further deliberations, the nature of which will be specified and which will conclude upon a specified date. The results of these further deliberations shall be mailed to the petitioner.

SUBCHAPTER 4 CONFIDENTIAL INFORMATION

1-4.1 DEFINITIONS

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

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

1-4.2 DETERMINATION OF CONFIDENTIAL STATUS

- a) All information and data furnished to or obtained by the Commission which relates to the internal controls, or to the earnings or revenue of any applicant, or licensee, or which pertains to an applicant's criminal record, family or background, shall not be released or disclosed to any person except in accordance with the provisions of this subchapter.
- b) Any question concerning whether or not a specific item of information or data within the possession of the Commission is deemed to be confidential information, or any other applicable statutory provision, judicial decision or rule of court, shall be submitted to the Commission or its designee for determination or referral to appropriate authorities.

1-4.3 ACCESS

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

1-4.4 RETENTION IN SECURE STORAGE FACILITIES

- a) Confidential information which is not presently being utilized by authorized personnel shall be stored in secure storage facilities designated for such purposes by the Commission. No one except authorized personnel may gain access to designated secure storage facilities except in accordance with the provisions of this subchapter.
- b) All Commission offices in which secure storage facilities are located shall be protected from unauthorized intrusions at all times. Proper security precautions during non-business hours may include the use of alarm or security guard systems.
- c) Every secure storage facility shall be placed under the direct supervision and control of an appropriate supervisor who shall periodically review for their effectiveness all security procedures and precautions pertaining to the confidential information stored therein. Security procedures and precautions that are determined to be ineffective shall be immediately corrected.
- d) Confidential information may be stored in secure facilities on micrographics, hard copy (paper), magnetic media or any other suitable medium, provided adequate security measures are maintained to prevent unauthorized access to or use of such information.
- e) Access to confidential information stored on computer or magnetic media shall be restricted to authorized personnel who have obtained the required operating key, code manual or access code from the appropriate supervisor. Operating keys, code manuals and access codes shall be limited in number and shall be controlled by the appropriate supervisor.

1-4.5 TEMPORARY CUSTODY BY AUTHORIZED PERSONNEL

- a) Authorized personnel shall not remove confidential information from designated secure storage facilities unless such removal is necessary to the fulfillment of their official duties. Confidential information which is not presently being utilized by authorized personnel shall be promptly returned to the secure storage facility.
- b) A record shall be maintained on all confidential information which is removed from secure storage facilities other than those which utilize computer or magnetic media. This record shall include:
 - The name of the person removing the information;

- 2) The name of the person for whom the information is being obtained;
- 3) The date of removal;
- 4) A brief description of the information removed or the number of the file which has been removed; and
- 5) The date the information is returned.
- c) Confidential information shall not be removed from the office of the Commission without the prior approval of an appropriate supervisor. Such approval shall only be granted where removal of the confidential information is necessary to the performance of the official duties of authorized personnel pursuant to 1-4.8 (a).
- d) The integrity of confidential information in the possession of authorized personnel shall be preserved at all times. It shall be the personal responsibility of any individual granted temporary custody of confidential information to insure that the information is not shown, released or disclosed to any unauthorized person. Information temporarily stored outside designated secure storage facilities shall be maintained in a locked desk or filing cabinet, or protected by other appropriate security precautions.

1-4.6 COPIES

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

1-4.7 RETENTION SCHEDULE AND STORAGE DESTRUCTION

- a) The Commission shall establish and maintain a record retention schedules for all confidential information within their possession.
- b) Any confidential information in the possession of the Commission shall be destroyed in accordance with the provisions of the applicable records retention schedule required by (a) above.

RELEASE; NOTICE 1-4.8

- Confidential information within the possession of the Commission shall a) not be released or disclosed in whole or in part to any person, except:
 - 1) In the course of the necessary administration of the Act; or
 - 2) Upon lawful order of a court of competent jurisdiction; or
 - Upon presentation of proper identification, to the applicant, 3) registrant or licensee who furnished the confidential information to the Commission; or
 - 4) Upon presentation of a duly executed and notarized release authorization by the applicant, or licensee who furnished the confidential information, to any person making a written request for specifically identified confidential information.
- b) If confidential information is released or otherwise disclosed to any person under any circumstances other than those identified in (a) 4 above, written notice of such release or disclosure shall be given to any applicant or licensee affected, unless notice would otherwise imperil the integrity of Casino operations. To the extent known, the notice shall include:
 - 1) The name and address of the person to whom the information was released or disclosed;
 - 2) A description of the information released or disclosed; and
 - 3) The date of the release or disclosure.
- c) Whenever possible, any such notice of confidential information to be released or disclosed shall be given prior approval the release or disclosure.

1-4.9 PENALTIES

- a) Any direct or indirect willful disclosure of confidential information by authorized personnel of the Commission except as provided herein, shall be a violation of the Commission's Code of Ethics and these Rules and Regulations.
- The unauthorized release or disclosure of confidential information shall b) also be a violation. Such violations may include penalties as establish by the Commission.

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CHAPTER 2

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APPLICATION SUBCHAPTER 1.

2-1.1 RECEIPT

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

2-1.2 FILING

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

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

2-1.3 PROCESSING

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

a) To accept the application for filing and cause same to be docketed by the Executive Director.

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- To notify the applicant or his attorney, if any, in writing, of the b) fact that the application has been accepted for filing and docketed, the date of such acceptance for filing and the docket number thereof and of the further fact that such expectance for and docketing of the application shall constitute no evidence whatsoever that any requirement of the act or the regulations of the Commission have been satisfied.
- c) To direct the staffs of the Commission to analyze obtain and evaluate such information of either a factual nature or otherwise as may be necessary to determine the qualifications of the applicant and any other matter relating to the application.
- d) To direct the Commission staff to determine the costs of processing the application, as required by Section 2-8.7.

2-1.4 Public Inspection of Information

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

2-1.5 AMENDMENT

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

2-1.6 WITHDRAWAL

a) Except as otherwise provided in (b) below, a written notice of withdrawal of application may be filed by an applicant at any time prior to final Commission action. No application shall be permitted to be withdrawn, however, unless the applicant shall have first established to the satisfaction of the Commission that withdrawal of the application would be consistent with the public interest and the policies of the Act. The Commission shall have the authority to direct that any applicant so permitted to withdraw his application shall not be eligible to apply again

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for licensure or approval until after the expiration of one year from the date of such withdrawal. Unless the Commission shall otherwise direct, no fee or other payment relating to any application shall become refundable by reason of withdrawal of the application.

- Where a hearing on an application has been requested by a party or b) directed by the Commission, the Commission shall not permit withdrawal of said application after:
 - 1) The application matter has been assigned to any other hearing examiner authorized by law to hear such matter; or
 - The Commission has made a determination to hear the 2) application matter directly.
- Notwithstanding the foregoing, the Commission may accept and consider c) written notice of withdrawal after the time specified herein if extraordinary circumstances so warrant.

2-1.7 REAPPLICATION BY NATURAL PERSON AFTER DENIAL OR REVOCATION.

- Any natural person required to be licensed, qualified or approved under a) the provisions of the Act or regulations of the Commission whose licensure, qualifications, or approval is either denied or revoked by the Commission on the basis of that person's failure to satisfy the affirmative qualification criteria, or due to a Commission finding that such person is disqualified under the criteria, or both, may reapply for licensure, qualification or approval until complied with 2-1.7(b) below.
- Any natural person whose licensure, qualification or approval is denied b) or revoked by the Commission on the basis of any of the following enumerated provisions of the Act or regulations of the Commission may reapply, in accordance with the procedure set forth in (c) below, for licensure, qualification or approval upon satisfaction of the conditions specified herein:
 - 1) Lack of financial stability: Reapplication is permitted upon said person achieving status of financial stability;
 - 2) Lack of business ability and Casino experience: reapplication is permitted upon said person acquiring the requisite business ability and Casino experience;
 - 3) Failure to satisfy age requirement: Reapplication is permitted upon said person attaining the requisite age or upon a Commission finding that such age will be attained prior to the completion of the processing of said reapplication;

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

SUBCHAPTER 2. LICENSE AND REGISTRATION REQUIREMENTS

2-2.1. CASINO LICENSES

- a) An applicant may own or operate a Casino provided that a Casino license or a conditional Casino license shall have first been issued.
 - 1) Casino license shall be issued upon fulfillment of the requirements of the Act and the Rules and Regulations.
 - 2) Conditional Casino license may be issued for a specified period as determined by the Commission.
 - 3) Temporary Casino license may be issued to chartered nonprofit or charitable organizations not to exceed fifteen (15) calendar days per year. This provision is extinguished upon the first day of operations of a casino licensee.
- b) Only the following persons shall be eligible to apply for a Casino license:
 - 1) Any person who either owns one-hundred (100%) percent of an approved Casino complex or owns or has contract to purchase or construct in the judgment of the Commission can become an

- approved casino within the specified time defined by the commission;
- 2) Any person who in accordance with the Act and the Rules and Regulations whether under the terms involving payments of a fixed sum or otherwise and whether as either a lessor or a lessee, either leases One Hundred (100%) percent of the approved Casino or leases or has an agreement to lease One Hundred (100%) percent of a Casino which in the judgment of the Commission can become an approved Casino within thirty-six (36) months unless otherwise extended by the Commission;
- 3) Any person who both has an agreement for the complete management of a Casino in accordance with the Rules and Regulations. Whether under terms involving payments of a fixed sum or otherwise, and either owns One Hundred (100%) percent of or controls any approved Casino facilities; and
- 4) Any other person whom the Commission determined to be qualified.
- No corporation shall be eligible to apply for or hold a Casino license c) unless it shall, in accordance with the provisions of the Act and the Rules and Regulations:
 - 1) Have been incorporated in the CNMI;
 - 2) Maintain an office in the premises licensed or to be licensed;
 - 3) Comply with all the requirements of the laws of the CNMI pertaining to corporations;
 - 4) Maintain a ledger in its principal office in the CNMI reflecting the current ownership of every class of security issued by the said corporation;
 - 5) Maintain all operating accounts required by the Commission in a bank or banks in the CNMI;
 - 6) Provide in its charter among other purposes stated the conduct of Casino gaming;
 - 7) If not a publicly traded corporation, establish by an appropriate charter or by law provision that, upon Commission disapproval of any future transfer of any corporate security of, share of or other interest in the applicant corporation or any holding company or

subsidiary thereof, such corporations and companies shall have the absolute right to repurchase the same; and

- 8) If a publicly traded corporation, establish by appropriate charter or, by law provisions that, upon Commissions disqualification of any holder of any security of the applicant corporations, such holder shall disclose of his security interest therein.
- d) No corporation shall be eligible to apply for or hold a Casino license unless each corporate and non corporate holding company and intermediary company with respect thereto shall first qualify to do business in the CNMI.
- e) Temporary Casino License:

Shall mean a Casino license issued to conduct Casino gaming not more than fifteen (15) calendar days per year. An applicant shall apply using a temporary license application.

- 1) Qualifications criteria shall include the following:
 - a) As chartered non-profit organizations based in Rota.
 - b) For fundraising of a charitable purpose and good cause.
- 2) Temporary License Application Fee shall be Five Hundred Dollars (\$500.00) and the tax shall be 10% of gross winning.
- 3) Ten (10) days after the completion of the activity, the licensee shall provide financial summary report to the Commission
- f) Conditional Casino License:

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

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

- 2. That the conditional casino licensee, shall demonstrate to the commission a phased development timeline where the total investment in the casino project will be no less than \$25 million within 10 years after gaming operations begin.
- 3. That the conditional casino licensee must demonstrate a reasonable financial capability to meet the approved timeline mentioned above.
- 4. That the conditional casino licensee, if not previously licensed for gaming in any other acceptable gaming jurisdiction, shall hire a casino management company, to manage the day to day operations of the casino.
 - a. For purposes of this section, a casino management company shall be a person who has been licensed in other gaming jurisdictions and that has not less than 5 years casino management operations experience.
 - b. For purposes of this section, the conditional casino licensee must comply with section 2-3.6 for approval of any casino management agreement.

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

CASINO SERVICE INDUSTRY LICENSES

- a) No enterprise shall, on a regular or continuing basis, provide any goods or services to or conduct any business whatsoever with a Casino, a Casino licensee, its employees or agents, whether or not said goods, services or business directly relates to Casino or gaming activity, unless a Casino service industry license authorizing the particular Casino service business shall have first been issued to the enterprise.
- b) No Casino licensee shall conduct any school teaching gaming, playing or dealing techniques unless a separate Casino service industry license shall have first been issued.
- The following Casino service industry enterprise shall be required to be licensed as Casino service industries in accordance with the Rules and Regulations, but not limited to:

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- All enterprises providing goods and services or doing any 1) business whatsoever which directly relates to Casino or gaming activity;
- All schools teaching gaming, playing or dealing techniques; 2)
- All gaming equipment manufacturers, suppliers, distributors, 3) services and repairers;
- All Casino security service enterprises; 4)
- All enterprises providing goods or services or doing any business 5) whatsoever which does not directly relate to Casino or gaming activity;
- All suppliers of alcoholic beverages, food and nonalcoholic 6) beverages;
- 7) All garbage handlers;
- 8) All vending machine providers;
- 9) All linen suppliers;
- 10) All maintenance companies;
- All shopkeepers located within any approved hotel or casino; and 11)
- 12) All limousine, shuttle vehicle and taxi service enterprises.
- d) The Commission may exempt any person or field of commerce from the Casino service industry licensing requirements:
 - 1) That such person or field of commerce is regulated by a public agency;
 - 2) That licensure is not necessary to protect the public interest; and
 - 3) That licensure is not necessary to accomplish the policies established by Rules and Regulations.
- All Casino licensees and casino operators will be required to use locally e) available, within the Municipality of Rota, manpower as well as goods and services, of not less than 20% of their overall operations.
 - 1) If the goods and services are not readily available within the Municipality of Rota or the price of such goods and services are

- cost prohibitive, then the casino licensee or operator may request the commission for an exemption to this provision.
- 2) The commission, when reviewing a request for exemption, shall consider the overall welfare and economic benefit to the people of Rota prior to granting such exemption.

2-2.3 EMPLOYEE LICENSES

- a) Casino Key Employee, means individual who is employed in the operation of a Casino and who "Supervises" other individuals employed in the Casino and includes:
 - 1) A manager, an assistant manager, a floor person, a pit boss, a shift boss, a credit manager, and a count room manager;
 - A supervisor of security employees, surveillance employees, accounting and auditing employees, and cashier's or count room employees; and
 - 3) Any employee whatsoever of a Casino licensee so designated by the Commission.
- b) Casino Employee means an individual who is employed in the operation of a Casino and who "Does Not Supervise" other individuals employed in the Casino and includes:
 - A dealer, a security employee, count room employee, a cashier's cage employee, a slot machine, employee, a slot booth employee and a surveillance employee, an audit and accounting employee and a data processing employee;
 - 2) Any other individual, including a maintenance employee and a food and beverage server, who has access to the Casino; and
 - 3) Any employee whatsoever of a Casino licensee so designated by the Commission.
- c) Every Casino key employee and Casino employee, except those approved by the Chairman, shall wear in a conspicuous manner their license credential issued by the Commission at all times while on duty in the Casino area which includes without limitation the Casino floor, cashier's cage, courtrooms, eye-in-the-sky and closed circuit television monitoring.
- d) No Casino licensee shall permit any Casino key employee or Casino employee, except those approved by the Chairman, to work in the Casino area without wearing of their license credential as required herein;

- Each Casino licensee shall provide each such employee with a holder for (e) the Commission license credential which shall contain the name of the Hotel/Casino Complex, a photograph of the employee, the employee position and title shall numerically be controlled and shall permit the permanent display of the information contained on the license credential. thirty (30) days prior to the use of any such holder, a Casino license or permittee shall submit a prototype to the Commission along with a narrative description of the proposed manner in which the employee will be required to wear such holder.
- f) In those situations where a license credential is lost or destroyed, a Casino key or employee may be authorized to enter the Casino area to perform employment duties so long as:
 - 1) The loss or destruction of the license is promptly reported in writing to the Commission;
 - 2) The employee applies for a new license credential; and
 - 3) Permission is received from a duly authorized Commission representative to do so.
- g) An application for renewal as a Casino key employee or a Casino employee shall be accompanied by an offer for continues employment by a Casino operator, renewal of license shall be made annually from the date of issuance.
- h) All suppliers of the Casino operators while conducting business within the premise shall wear in plain view an identification card that identifies the supplier. Supplier identification cards shall be issued by a Casino operator shall be sequentially numbered and shall be approved by the Commission.
- i) Each Casino licensee shall provide adequate benefit for health insurance; sick and annual leave or similar coverage as provided by CNMI, civil service. In addition, pursuant to Section 15 of the Act, shall provide for compensation applicable to the laws of the CNMI.
- j) For any violation of this section, the Commission may impose the penalties authorized by the Act.

2-2.4 APPLICATION FOR EMPLOYEE LICENSE

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

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

2-2.5 TRAINING COURSES OF EMPLOYEES

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

- All training courses shall be: b)
 - Conducted by the Casino operator or, with the approval of the 1) Commission, by the nominee of the Casino operator; and
 - Of such content, format and duration as approved by the 2) Commission.
 - Offered, to the extent possible by the casino licensee, to 3) prospective applicants of the Municipality of Rota and held at least one time at the actual casino site prior to opening.
- The successful completion of an approved training course is a c) prerequisite for:
 - 1) The issuance of Casino key employee license or a Casino employee license; or
 - 2) the approval of the Commission to making of an amendment (and such amendment being made) in a licensee in respect to the type of work performed or to be performed by the licensee and for employment of the licensee in the type of work specified in the license, either in the first instance pursuant to the amendment, unless the licensee is qualified by the experience, satisfactory to the Commission, appropriate to the type of work to be performed by him as a licensee.
- d) A Casino operator may conduct gaming on a simulated basis for the purpose of training employees, testing gaming equipment and gaming procedures and demonstrating the conduct and playing of games provided:
 - 1) He has obtained the prior approval of the Commission; and
 - 2) Monitored by the Commission.

SUBCHAPTER 3. CASINO FACILITIES

General Provision - The casino licensee and the conditional casino licensee shall comply with the minimum investment of Twenty-Five Million Dollars (\$25,000,000.00) as set forth in the Act. Complete plans for such investment or phased investment thereof, should be submitted to the Commission as part of its overall application requirements.

2-3.1 IMPACT OF THE FACILITIES.

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

- a) The Casino, its related facilities and its proposed location are suitable;
- b) The proposed facilities comply in all respects with all requirements of the Rules and Regulations.
- c) The proposed facilities comply in all respects with all CNMI laws.
- d) The facility for the patron market is adequate.
- e) The proposals will not adversely affect overall environmental, economic, social, demographic competitive conditions or natural resources of Rota.

2-3.2 THE CASINO COMPLEX

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

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

2-3.3 DECLARATORY RULINGS AS TO PROPOSED CASINO HOTEL FACILITIES

- a) Upon the petition of any persons who owns, has a contract to purchase or construct, lease or has agreement to lease any building or site located within the limits of Rota and who intends to and is able to complete a proposed Casino facility therein or thereon, the Commission may in its discretion make a declaratory ruling as to whether or not in conformance of the proposed Casino facility.
- b) It shall be the affirmative responsibility of each such petitioner to file all information, documentation and assurances material to be requested declaratory ruling in such form as is required of an applicant for a Casino license, which may include filing a completed "Casino facility statement".
- c) The Commission shall afford the interested parties an opportunity for hearing upon any petition for a declaratory ruling us to proposed Casino facility.
- d) A declaratory ruling as to proposed Casino facility shall bind the Commission as the parties to the proceeding on the statement of the facts set forth therein and shall deemed a final action provided, however, that no Casino license shall be issued concerning any such Casino facility unless compliance with every requirements of the Act and regulations of the Commission as of the time of the issuance of such license shall have first been established.
- e) No petition for a declaratory ruling shall be accepted by the Commission unless the petitioner shall have first been paid in full a fee of not less than Two Thousand Five Hundred Dollars (\$2,500.00) and in such further amount as the Commission may in its discretion, deem reasonable, proper and appropriate in relation to the operating expenses of the Commission in considering the petition.

2-3.4 DUTY TO MAINTAIN AND OPERATE A SUPERIOR QUALITY FACILITY

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

2-3.5 LEASES OF CASINO COMPLEX OR OF CASINO

- a) Subject to this Act, a Casino licensee may subject to the prior approval of the Commission, lease to another person:
 - The Casino Complex; or

- 2) The Casino.
- b) An application to lease shall be made by the Casino licensee to the Commission in the prescribed form and shall be accompanied by a draft of the proposed lease; full details of the proposed lessee and such other particulars as may be prescribed.
- c) The Executive Director may require the Casino licensee or the proposed lessee to undergo additional investigations and provide further information, documents or other writings considered necessary to meet the underlying requirements of this act and enable the Executive Director to make the recommendation to the Commission for approval.

2-3.6 Casino Management Agreement

- a) Subject to this Act, a Casino licensee under a Casino lease may, subject to the prior approval of the Commission, enter into Casino management agreement with another person for the management by that other person of:
 - 1) The Casino Complex
 - The Casino.
- b) An application to enter into such agreement shall be made by the Casino licensee or the lessee under the Casino lease to the Executive Director in the prescribed form and shall be accompanied by a draft of the proposed agreement. Full details of the other party to the proposed agreement and such other particulars as may be prescribed must be provided.
- c) The Executive Director may require the Casino licensee, the lessee under the lease or the other party to the proposed agreement to undergo additional investigations and provide further information, or documents or other writings to enable the Executive Director to make a recommendation to the Commission for approval.

2-3.7 MORTGAGE AND ASSIGNMENT OF CASINO LICENSE, ETC.

- a) A Casino licensee shall not mortgage, charge or otherwise encumber; a casino license, a casino complex to which the casino license is related or the rights and benefits under the agreement in question without the consent of the Commission.
- b) Where the mortgagee wishes to enforce his security under the mortgage, charge or other encumbrance pursuant to his rights there under;

- 1) The Casino license and the rights, benefits and obligations under the relevant agreement, shall be assigned only to the person approved by the Commission;
- 2) Any receiver and manager appointed shall be a person approved by the Commission.
- As a condition precedent to the approval by the Commission, the Commission may require that the further agreement in writing be entered into between;
 - 1) The Executive Director for and on behalf of the Commission and the proposed assignee; or
 - 2) The Executive Director for and on behalf of the Commission and some other person whom the Commission considers to be appropriate person to be a party to the agreement with a view to the assignment or the Casino license to the proposed assignee containing such terms and conditions with respect to the assignment and the proposed assignee as the Commission thinks fit;
- d) Any such further agreement shall have no force or effect unless and until approved by the Commission.
- e) Prior to any approval by the Commission, the Executive Director shall cause to be undertaken such investigation as are necessary to satisfy the Commission. The Commission shall also require the proposed person and all persons not associated or connected or to be associated or connected in the opinion of the Executive Director, with the ownership, administration or management of the operations or business of the proposed person to satisfy the Commission that such proposed persons and such persons are suitable persons to be associated or connected with the management and operations of a Casino complex or Casino. The cooperation and assistance of the Federal Bureau of Investigation, Interpol and other jurisdictions investigative agencies may be sought were appropriate as determined by the Commission.
- f) Upon a Casino license being assigned, the assignee is the Casino licensee in respect of the Casino license in question, and the Executive Director shall cause the license to be amended to show the name of the assignee, date of assignment and such other particulars as may be prescribed; and the license shall be made available to the Executive Director for the purpose of amendment accordingly.
- g) A decision by the Commission to approve or not to approve of a person pursuant to the Rules and Regulations is final and conclusive.

SUBCHAPTER 4. PERSONS REQUIRED TO BE QUALIFIED

2-4.1 CASINO LICENSES

No Casino license shall be issued unless the individual qualifications of each of the following persons shall have first been established pursuant to the Act and the Rules and Regulations and that:

- a) Each applicant applying for a Casino license in accordance with the Casino license standards as set forth in the Act and this Rules and Regulations.
- b) Each of the following financial source, either in effect or proposed, on the submitted Casino proposal in this Rules and Regulation include:
 - Each financial backer;
 - 2) Each investor;
 - Each mortgagee;
 - 4) Each bond holder, and
 - 5) Each holder of debenture, notes, or other evidence of indebtedness, either in effect or proposed.
- c) Each of the following persons of every corporate applicant for a Casino license and of every corporate holding company of and corporate intermediary company of every corporate applicant for a Casino license in accordance with the Casino key employee standards shall include:
 - Each officer;
 - 2) Each director;
 - Each person who directly or indirectly holds any beneficial interest or ownership of the securities issued by the corporation;
 - 4) Any person who in the opinion of the Commission has the ability to control corporation or elect a majority of the board of directors of that corporations, other than a banking or other licensed lending institution which holds a mortgage or other lien acquired in the ordinary cause of the business;

- 5) Each principal employee; and
- 6) Any lender, underwriter, agent or employee of the corporation whom the Commission may consider appropriate for approval or qualification.
- d) In the case of a publicly-traded corporate holding company of a corporate applicant for a Casino license, the individual qualifications may be waived as to:
 - 1) Any such person of the publicly-traded corporate holding company who is not significantly involved in the activities of the corporate applicant for the Casino license; and
 - 2) Any such security holder of a publicly-traded corporate holding company who does not have the ability to elect a director of or to control the said holding company.
- e) Each of the following persons of every non corporate applicant for a Casino license and of every corporate intermediary company of every corporate applicant for a Casino license in accordance with the Casino key employee standards:
 - 1) Each person who directly or indirectly holds any beneficial interest or ownership in the applicant for the Casino license;
 - 2) Each person who in the opinion of the Commission has the ability to control the applicant for the Casino license; and
 - 3) Each person whom the Commission may consider appropriate for approval or qualifications.
- f) In the case of a municipal or state applicant for any casino licenese, the following shall be provided:
 - 1) an enabling legislation or local law which allows the municipality or state applicant to engage in a casino industry venture.
 - 2) a casino management agreement, which is subject to the commission's approval.
 - 3) a financial disclosure for each public official or staff thereof who participates in the promulgation of the enabling legislation or local law and who has any direct or indirect

interest or ownership in any casino license or management agreement as determined by the commission.

2-4.2 CASINO SERVICE INDUSTRY LICENSES

No Casino service industry license shall be issued unless the individual qualification of each of the following persons shall have first been established in accordance with all provisions, including those cited in the Act and of the Rules and Regulations.

In the case of the Casino service industry licenses issued in accordance with the Rules and Regulations of the Commission:

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

2-4.3 EMPLOYEE LICENSES

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

SUBCHAPTER 5. STANDARDS FOR QUALIFICATIONS

2-5.1 SCOPE

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

2-5.2 CASINO AND EMPLOYEE LICENSING STANDARDS

- a) General and Affirmative Criteria:
 - It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence his individual qualifications, and for a Casino licensee the qualifications of each person who is required to be qualified under this Rules and Regulations;

- Any applicant or licensees shall provide all information required 2) and satisfy all requests for information pertaining to qualification;
- All applicants and licensees shall have the continuing obligation 3) to provide any assistance or information required and to cooperate in any inquiry or investigation conducted by the Commission;
- Each applicant shall produce such information, documentation 4) and assurances concerning financial background and resources as may be required to establish by clear and convincing evidence the financial stability and integrity of the applicant including but not limited to bank references, business and personal income, tax returns and other reports filed with governmental agencies;
- Each applicant shall produce such information, documentation 5) and assurances as may be necessary to establish by clear and convincing evidence the integrity of all financial backers, investors, mortgagees, bondholders and holders of indentures, notes or other evidence of indebtedness either proposed or in effect. The integrity of financial sources shall be judged upon the same standards as the applicant. The applicant shall produce whatever information documentation and assurances as may be required to establish the adequacy of financial resources to both construct and operate the Hotel/Casino complex;
- 6) Each applicant shall produce such information, documentation and assurances as may be required to establish by clear and convincing evidence the applicant's good character, honesty and integrity. Such information shall include but not be limited to family habits, character, reputation, criminal and arrest record, business activities, financial affairs, professional and business associates covering a five (5) year period immediately preceding the filing of the application; and
- 7) Each applicant shall produce such information, documentation and assurances to establish by clear and convincing evidence that the applicant has sufficient business ability and Casino experience to establish the likelihood of the creation and maintenance of a successful Casino operation.

(b) Disqualification Criteria

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

- Failure of the application to prove by clear and convincing 1) evidence that the applicant is qualified in accordance with the provisions of the Act and the Rules and Regulations.
- Failure of the applicant to provide information, documentation or 2) assurances requested by the Commission or failure of the applicant to reveal any fact material to qualification or the supplying of information which is untrue or misleading as to any material fact.
- Conviction of the applicant or any person required to be qualified, 3) of any offenses in any jurisdiction which would be:

6 CMC 1101	Murder		
6 CMC 1203	Aggravated Assault and Battery		
6 CMC 1301	Rape		
6 CMC 1309	Rape by object		
6 CMC 1311	Sexual Abuse of a child		
6 CMC 1323	Child pornography		
6 CMC 1411	Robbery		
6 CMC 1421	Kidnapping		
6 CMC 1432	Usurping control of aircraft		
6 CMC 1433	Mutiny on a vessel		
6 CMC 1601(b) (1)	Theft of property or services		
6 CMC 1603	Theft by deception		
6 CMC 1604	Theft by extortion		
6 CMC 1606	Receiving stolen property		
6 CMC 1607	Theft of services		
6 CMC 1608	Theft by failure to make required disposition		
of funds received			
6 CMC 1701	Forgery		
6 CMC 1705	Deceptive business practices		
6 CMC 1707	Counterfeiting		
6 CMC 1802	Arson and related offenses		
6 CMC 2141(a) and (b) 1	Offenses and penalties for illegal drug use		
6 CMC 2143	Commercial offenses-drugs offenses		
6 CMC 2144	Fraud offenses-manufacture/distribution penalties		
6 CMC 2145	Attempt and conspiracies drug offenses		
6 CMC 2147	Distribution to persons under 18		
6 CMC 3155	Gambling offenses prohibited		
6 CMC 3201	Bribery		
6 CMC 3302	Obstructing justice		
6 CMC 3303	Obstructing justice-interference of services		
6 CMC 3304	Tampering with judicial records or process		
6 CMC 3305	Tampering with jury		
6 CMC 3366	Perjury		

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- 4) Any other offenses under CNMI, Federal Law or any other jurisdiction which indicates that licensure of the applicant would be inimical to the policy of the Commission and to Casino operations; however, that the automatic disqualification provisions of the subsection shall not apply with regard to any conviction which did not occur within the ten (10) year period immediately proceeding the application for licensure or any conviction which has been the subject of a judicial order of expungement or sealing.
- 5) Current prosecution or pending charges in any jurisdiction of the applicant or of any person who is required to be qualified under this regulation for any of the offenses enumerated above; provided, however that at the request of the applicant or person charged, the Commission shall defer discussion upon such application during the pendancy of such charge.
- The identification of the applicant or any person who is required to be qualified under this regulation as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates a reasonable belief that the association is of such a nature as to be inimical to the policies of the Rules and Regulations and a Casino operations. For purposes of this section, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal of the public policy of the Commonwealth. A career offender cartel shall be defined as any group of persons who operate together.
- 7) The applicant or any person who is required to be qualified under the Rules and Regulations as a condition of a Casino license of any act or acts which would constitute any offense under Sections 3 or 4 above, even if such conduct has not or may not be prosecuted under the criminal laws of the CNMI.

2-5.3 Casino Patrons (Prohibition on Play)

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

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- 1) Individuals under 18 years of age;
- 2) Individuals who appear to be intoxicated;
- 3) Individuals who appear to be addicted to gambling, and the Casino operator shall implement policies and procedures designed to identify individuals exhibiting behavior evidencing a problem with gambling;
- 4) Members or employees of the Commission, except in casino games where game wins are not treated as gross gaming revenue by the commission, in a jurisdiction where taxes are collected by the commission.
- 5) Officers, directors or partners of the Casino operator and the Casino Management Company, except in casino games where game wins are not treated as gross gaming revenue by the commission
- 6) Gaming assistants, Casino key employees, Casino employees or Casino clerks of the Casino operator, except in casino games where game wins are not treated as gross gaming revenue by the commission
- Any person who is a current recipient of any welfare federal or local assistance based on low-income such as food stamp recipients.
- b) No Casino operator shall permit gaming equipment to be used for the playing of games of chance in the Casino if the equipment has, in any way, been marked or tampered with so that it could affect the outcome of the games or their payouts.
- c) No Casino operator shall permit any electrical, mechanical, telecommunications or other device, including a calculator or a computer, to be used in playing of games of chance in the Casino if the device could assist projecting the outcome of a game or could keep track of cards that have been dealt, changing probabilities or playing strategies being used in a game.
- d) No Casino operator shall permit patron use of cameras, photographic equipment or video cameras within the Casino or its confines.

2-5.4 SECURITY CLEARANCE

- a) The members of the Commission, Executive Director, and designated employees of the Commission shall be subject to a Level III security clearance as set out in clause (b)3 below.
- b) Registered suppliers and gaming assistant shall be subject to one of the following levels of security Clearance determined by the Commission:
 - Level I persons subject to this level of security clearance shall not have access to sensitive or strategic information and shall not hold a supervisory position;
 - Level II persons subject to this level of security clearance may hold positions of trust, have access to assets, sensitive information or both and may hold a supervisory position: and
 - 3) Level III persons subject to this level of security clearance may hold senior positions of trust have direct access to cash and assets and may have knowledge of both sensitive and strategic information and may supervise employees.
- c) All other persons shall supply information necessary to conduct an investigation in order to have a security clearance.

SUBCHARTER 6 STATEMENT OF COMPLIANCE

2-6.1 GENERAL PROVISIONS

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

2-6.2 PETITIONS

- a) A request for a Statement of Compliance shall be initiated by a petition. One (1) original copy signed by the petitioner and six (6) conformed copies of the petition shall be filed with the Commission. The petition shall include, at a minimum, the following items:
 - The eligibility criteria for which the Statement of Compliance is requested;
 - 2) The person(s) whose compliance is requested to be considered;

- 3) The facts and circumstances underlying the request, including the reason for the request; and
- 4) Subject to the limitations contained in Section 2-6.6 of this Subchapter, the period for which the Statement of Compliance is requested to be effective.
- b) Each petition for a Statement of Compliance must also contain the following undertakings:
 - 1) Petitioner understands that any Statement of Compliance issued pursuant to the petition is revocable by the Commission;
 - 2) Petitioner understands that any Statement of Compliance issued pursuant to the petition does not create a property right in the petitioner;
 - 3) Petitioner understands that the issuance of a Statement of Compliance is not an issuance of a license; and
 - 4) Petitioner understands that no license shall be issued unless every qualification as of the time of the issuance of a license shall have first been established in accordance with the Act and the Rules and Regulations.

2-6.3 FILING DATE

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

2-6.4 PETITION FILING FEE AND INVESTIGATION COSTS

- a) Except as otherwise provided herein, all fees and costs incurred in conjunction with the investigation of any petition for a Statement of Compliance must be paid by the petitioner.
- b) Each petition for a Statement of Compliance must be accompanied by a non-refundable filing fee in the amount of Two Thousand Five Hundred Dollars (\$2,500.00).
- c) In addition to the non-refundable filing fee, the Commission may require a petitioner to pay such supplementary investigative fees and costs as may be determined by the Commission. At any time or times during the

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pendency of a petition, the Commission may estimate the supplementary investigative fees and costs and require a deposit or deposits to be paid by the petitioner in advance as condition for continuing the investigation.

- The Commission will not take final action on a petition unless all filing d) and investigative fees and cost have been paid in full. It shall be grounds for denial of the petition if the petitioner has failed or refused to pay all filing and investigative fees and costs required hereunder.
- After all supplementary investigative fee and costs have been paid by a e) petitioner, and after all actions on behalf of the Commission have been taken with respect to the petition, the Commission shall refund to the person who made the required deposit any balance remaining in the investigative account of the petitioner.
- f) Upon final action on the petition, the Commission shall give to the petitioner an itemized accounting of the investigative fees and cost incurred.
- The Commission may, in its sole and absolute discretion, waive payment g) of any investigative fee or cost.

2-6.5 HEARING

All hearings pursuant to a petition for a Statement of Compliance shall be subject to Section 4-7.1 of the Rules and Regulations.

EFFECTIVE PERIODS 2-6.6

- a) A Statement of Compliance shall be effective upon payment of the fee provided under Section 2-6.4(b) of this subchapter 6 and shall expire according to the terms contained therein or until revoked by the Commission; provided, however, the effective period of a Statement of Compliance shall not exceed one (1) year.
- b) A Statement of Compliance may be revoked by the Commission upon a finding that a change of circumstances has affected such compliance, that the subject of the statement has otherwise failed to qualify for licensure, that the subject of the statement has failed to comply with any conditions imposed by the Commission or that any other reason for revocation exists.

STATEMENT OF COMPLIANCE FEE 2-6.7

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

- b) The fee shall be prorated for any effective period specifically described in the Statement of Compliance if less than one (1) year. The fee shall not be refunded if the Statement of Compliance is revoked by the Commission.
- c) The total fee shall be reduced by the amount of the filing fee paid by the petitioner under Section 2-6.4(b) of Subchapter 6.
- d) If a Casino license is issued prior to the expiration of the effective period of the Statement of Compliance, a prorated portion of the fee shall be applied to the annual license fee.

2-6.8 CONTENTS

Every Statement of Compliance shall:

- 1. Specify the particular criterion or stage complied with and indicate that such applicant has qualified for licensure in relation to the criterion or stage specified;
- 2. Set forth, its date of issuance, the date as of which such compliance existed;
- 3. Set forth its date of expiration;
- 4. Indicate that it may be revoked by the Commission upon a finding that a change of circumstances has affected such compliance, that the applicant has otherwise failed to qualify for licensure, that the applicant has failed to comply with any conditions imposed by the Commission or that any other reason for revocation exists;
- 5. Indicate that it does not create a property right in the recipient;
- 6. Indicate that it is not a license; and
- 7. Indicate that no license shall be issued unless every qualification as of the time of the issuance of a license shall have first been established in accordance with the Act and Rules and Regulations.

2-6.9 ISSUANCE OF LICENSES

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

2-6.10 Persons to be qualified

Nothing in this Subchapter 4 and 5 shall limit or define the types of persons who must be found suitable or qualified under the Act or the Rules and Regulations.

SUBCHAPTER 7 INFORMATION

2-7.1 AFFIRMATIVE RESPONSIBILITY TO ESTABLISH QUALIFICATIONS

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

2-7.2 DUTY TO DISCLOSE AND COOPERATE

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

2-7.3 DISPOSITION OF PROPERTY OF A CASINO APPLICANT OR LICENSEE

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

2-7.4 DUTY TO PROMPTLY FURNISH INFORMATION

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

2-7.5 Inspection, Monitoring and Periodic Investigations

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

- a) whether or not the casino licensee and operator is a suitable person to continue to hold a casino license;
- b) whether or not the casino licensee or operator is complying with this regulation, the Act and any subsequent amendments of those Acts and regulations;
- whether or not the casino licensee or operator is complying with the casino management agreement and conditional licensee requirements set by the commission;
- d) whether or not the casino licensee, casino operator or casino service industry providers are complying with all agreements which are required under this regulation and Act and any subsequent amendments to those regulations and Act;
- e) whether or not it is in the public interest that the casino license e, casino operator or casino service providers should continue in force.

2-7.6 WAIVER OF LIABILITY FOR DISCLOSURE OF INFORMATION

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

2-7.7 CONSENT TO EXAMINATION OF ACCOUNTS AND RECORDS

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

2-7.8 FINGERPRINTING

Each applicant, licensee, and person required to be qualified shall be fingerprinted in duplicate on fingerprint impression card forms provided by the Commission. One (1) of the said forms shall be filed with the Commission and one (1) shall be filed with the Municipal Police Department.

2-7.9 PHOTOGRAPHING

Each applicant, licensee, and person required to be qualified shall be photographed in duplicate. One (1) set of the said photographs shall be filed

with the Commission and one (1) shall be filed with the Municipal Police Department.

2-7.10 HANDWRITING EXEMPLARS

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

2-7.11 OATH OR AFFIRMATION AND ATTORNEY CERTIFICATION

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

"I swear (or affirm) under penalty of perjury that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to loss of licensure and forfeiture of any and all fees paid including civil and criminal prosecution".

The affiant, if requested shall again swear to or affirm and subscribe and date any such paper in the presence of a representative of the Commission. All such forms and papers shall also be signed by the applicant's attorney of record, if any, which shall constitute a certification by him that he has read the said paper and that, to the best of his knowledge, information and behalf, its contents are true.

2-7.12 Untrue information

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

2-7.13 SIGNATURES

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

 If a corporation, by its president, its chairman of the board, any other chief executive officer thereof, its secretary and its treasurer;

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

2-7.14 FORM OF SIGNATURE

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

2-7.15 FORM OF APPLICATION

Each applicant, licensee, or person required to be qualified shall provide all information in a form specified by the Commission and shall complete and submit all appropriate application, registration, business enterprise disclosure and personal history disclosure forms as directed by the Commission. Application forms are not reproduced herein, but can be obtained from the address below. Application form for a Casino applicant shall be charged Five Thousand Dollars (\$5,000.00). Application form for a Casino Gaming Service industry applicant shall be charged One thousand Dollars (\$1,000.00) and for a Casino non-gaming service applicant shall be charged Two Hundred Dollars (\$200.00).

2-7.16 NUMBERS OF COPIES

- a) All original applications and other original papers relating thereto submitted to the Commission by the applicant shall be accompanied by one (1) original and six (6) conformed copy.
- b) Additional conformed copies of any such papers shall be supplied upon request by the Commission.

SUBCHAPTER 8. FEES AND DEPOSITS

2-8.1 GENERAL DESCRIPTION OF FEES AND DEPOSIT POLICY

a) Initial funding by the Commission shall be funded from appropriation from the CNMI or municipal general appropriation funds in accordance to section 16(b) of the Act. The Commission shall establish, by Rules and Regulation, fees for the application issuance and renewal of all licenses pursuant to the Act;

- The differing treatment of these license categories reflects a recognition b) and judgment that Casino applicants and licensees benefit directly or indirectly from all aspects of the regulatory process and are best suited to bear the largest share of the costs incurred by the Commission in implementing that process. Moreover, the actual cost of investigation and considering applications for individual employee licenses and Casino service industry licenses may exceed the amount which those applicants and licensees may fairly be required to pay as fees. The fee structure established by these Rules and Regulations is designed to respond to these policies and problems.
- To the extent reasonably possible, each applicant or licensee should pay c) the investigatory or regulatory costs attributable to their application or license.

FISCAL YEARS 2-8.2

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

2-8.3 LICENSE RENEWAL GENERAL PROVISIONS

- a) All classes of gaming licenses, except Casino licenses which remain in force until cancelled, suspended or surrendered, are subject to renewal as provided herein. All classes of gaming licenses, other than a Casino license, must be renewed before the expiration of the current license.
- b) Any license, other than a Casino license, which is not renewed prior to expiration, will be considered as forfeited. Reinstatement of such a forfeited license will require processing as a new license application including payment of the proper fees associated with initial license issuance as prescribed herein.

2-8.4 PAYMENT OF FEES AND DEPOSITS

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

- b) Except as otherwise provided in the Act and these Rules and Regulations, failure to timely remit fees, or deposits required under this subchapter shall result in suspension of the affected license or application until such time as the full amount of such fee or deposit is paid unless the Commission finds cause to permit extension of time in which to remit the amount due. Except as otherwise provided, failure to remit full amount of a fee or deposit required under this section within thirty (30) calendar days of the date such fee becomes due shall result in permanent forfeiture of the affected license or application unless the licensee or applicant shall show cause for non-forfeiture acceptable to the Commission.
- c) All fees payable under this subchapter shall be paid by check or money order made payable to the "Rota Municipal Treasurer" and presented to the Commission at its offices. No check so presented shall be deemed payment until the Commission shall be satisfied that sufficient funds are contained in the account against which it is drawn. All Casino license application fees and licensing costs deposits shall be payable by a US Bank drawn cashier's check approved by the Commission.

2-8.5 CASINO LICENSE FEES AND DEPOSITS

- a) No application for the issuance of a Casino license shall be accepted for filing to the Commission unless a nonrefundable application filing fee of Ten Thousand Dollars (\$10,000.00) is fully paid.
- b) No application for the issuance of a Casino license shall be accepted for filing to the Commission unless an initial deposit of \$150,000.00 (One Hundred Fifty Thousand dollars) is received and payable to the commission for processing and investigation costs to be determined by the Commission.
- c) Casino license shall be issued after the applicant has agreed to pay, and paid, any of the following casino license:
 - 1) Pay an annual license fee of \$150,000 (one-hundred fifty thousand) upon issuance of a gaming license for 1 year;
 - 2) Pay a license fee of \$300,000 (three-hundred thousand) upon commission issuance of a gaming license for 3 years;
 - 3) Pay a license fee of \$400,000 (four hundred thousand) upon commission issuance of a gaming license for 5 years.
 - 4) The above fees are for the first year of application granted for the periods of casino licensure described above for any casino licensee and can not be extended. Annual casino license fees after the periods described above, will revert back to \$150,000 (one hundred fifty thousand) or another value not greater than

\$200,000 as authorized by the act and approved by the commission.

2-8.6 SPECIAL FEE ASSESSMENTS FOR OTHER PURPOSE

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

2-8.7 COSTS OF PROCESSING A CASINO LICENSE APPLICATION

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

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

2-8.8 FEES AND TAXES

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

- a) Employee License Fees
 - 1) Casino and Hotel Key Employees License Fee

A fee of Five Hundred Dollars (\$500.00) each and every Casino Key employee, and each and every Hotel Key employee as defined, shall be paid in full to the Commission prior to the employee engaging in any key employee duties or responsibilities related to the Casino. This shall be one time fee for the duration of the employee serving in the licensed position. Provided however, that if the employee so licensed assumes a new different employment position, then the employee must pay the appropriate one–time license fee to secure a new license for the new different employment position assumed.

2) Casino Employee License Fee

A fee of Fifty Dollars (\$50.00) for each and every Casino employee, as defined, shall be paid in full to the Commission prior to the employee engaging in any duties and responsibilities. This shall be one-time fee for the duration of the employee serving in the licensed position. Provided however, that if the employee so licensed assumes a new different employment position, then the employee must pay the appropriate one-time license fee to secure a new license for the new different employment position assumed.

3) Hotel Employee License Fee

A fee of Fifty Dollars (\$50.00) for each and every hotel employee shall be paid in full to the Commission prior to the employee engaging in any duties or responsibilities. This shall be a one-time fee for the duration of the employee serving in the licensed position. Provided however, that if the employee so licensed assumes a new different employment position, then the employee must pay the appropriate one-time license fee to secure a new license for the new different employment position assumed.

b) Machine License Fees

- Machine License fees shall be assessed annually on all mechanical or video devices as part of the games available for play by patrons of the Casino. These includes, but not limited to, slot machines, video Poker machine, video roulette machines, pachinko machines and any and all other video or mechanical or combination machines available for play by patrons in the Casino.
- 2) License Fees for each machine shall be imposed on a declining scale based on the total number of machines in the Casino. This fee must be remitted to the Commission by October 1st of each fiscal year.

Machines 1-100 \$125.00 per year, per machine

Machines 101-300 \$100.00 per year,

per additional machine

Machines 301 or more \$75.00 per year,

per additional machine

- c) Gaming Table Fees
 - 1) All Casino operators shall submit a list of table games for play to be approved by the Commission.
 - 2) Table fee shall be assessed annually on each gaming table available to play by the patrons in the Casino at the rate of Two Hundred Fifty Dollars (\$250.00) per table.
- d) Casino Gaming Service Industry and Non-Gaming Service Industry License Fees
 - No Casino Gaming Service Industry License shall be issued or renewed unless the applicant shall have first paid in full an annual license fee of Five Thousand Dollars (\$5,000.00). This fee, unlike the Casino license fee, shall be prorated based on the date of issuance of the fiscal year and paid in full upon issuance. A renewal fee must be remitted, in full, to the Commission by October 1st of each fiscal year.
 - 2) No Casino Non-Gaming Service Industry License shall be issued or renewed unless the applicant shall have first paid in full an annual license fee of Two thousand five hundred Dollars (\$2,500.00), except when the non-gaming service industry applicant can demonstrate that the goods and services provided to the casino are locally produced on Rota, then all fess, at the sole discretion of the commission, may be waived. This fee, unlike the Casino license fee, shall be prorated based on the date of issuance of the fiscal year and paid in full upon issuance. A renewal fee must be remitted, in full, to the Commission by October 1st of each fiscal year.
 - 3) All Casino Gaming and Non-Gaming Service Industry defined in this Section shall be all service industries commencing service to the Casino thirty (30) days prior to the opening. A copy of all documents related to the annual gross and taxes must be provided to the Commission upon remittance of this fee.
- e) Revocation and suspension of Casino Gaming and Non-Gaming Service Industry license are subject to the following:

- 1) Non payment of all fees described in this Section shall be sufficient grounds for the revocation or suspension of a Casino Service Industry License;
- 2) Any Casino Gaming and Non-Gaming Service Industry License, whose license is suspended or revoked shall upon notification from the Commission, immediately cease its services to the Casino;
- 3) All Casino Licenses shall terminate its services from such Casino Service Industry Licensee upon Notification from the Commission that the License of such Casino Service Industry License has been suspended.
- f) Violation of this Section shall result in penalties assessed against either the Casino Service Industry Licensee or the Casino Licensee, or both, in amount to be determined by the Commission but not to exceed One Hundred Dollars (\$100.00) per day. Penalties are cumulative and imposition of a penalty pursuant to this section. It does not preclude other penalties as provided by the Act and the Rules and Regulations also being imposed against a Casino Service Industry Licensee or the Casino Licensee.

Other Fees g)

- 1) Application Form Fee for Casino applicant is Five Thousand Dollars (\$5,000.00).
- 2) Application Form Fee for Casino Gaming Service Industry applicant is One Thousand Dollars (\$1,000.00).
- 3) Application Form Fee for the Non-Gaming Service Industry applicant is two hundred dollars (\$200.00)
- 4) Petition Fee is Two Thousand Five Hundred Dollars (\$2,500.00).
- Other fees may be assessed by the Commission as deemed 5) appropriate and/or listed in the Statement of Fees by the Commission.

Casino Tax h)

A Rota Gaming Tax equal to ten percent (10%) of the gross gaming revenue, payable on or before the tenth (10th) day of the following month. The term, "gross gaming revenue", means the total of all sums received, including checks and credit whether collected or not, received in any month as winnings from the conduct of gaming, less only the total of all sums paid out from the conduct of gaming as losses by a casino under a gaming license. In regards to tournament fees, it shall equal the total contribution to the tournament fees, while playing at the casino, minus any credits, bonuses, charge backs or costs attributable directly and specifically to the player in that specific tournament.

- i) Adjustment of payment of gambling revenue tax in certain circumstances.
 - 1) If the total sums, including checks and credit whether collected or not, actually received in any month by a Casino operator from the conduct of gaming is less than the total of all sums paid out as winning during that month in respect to gaming, the amount of the difference between the total payment and the total receipt shall for the purpose of assessment of the gambling revenue tax and Casino community benefit levy payable in respect of the next succeeding month be first deducted, to the extent it may be, from the Casino gross revenue of that month.
 - 2) Where there is no Casino gross revenue for the month or where the Casino gross revenue for that month is less than the amount of the difference as aforesaid, the amount of the difference or that part thereof that is excess of the Casino gross revenue for that month as the case may be, shall for the purpose of the assessment of gambling revenue tax and Casino community benefit levy payable in respect to the next month thereafter be first deducted, to the extent it may be, from the Casino gross revenue for such next month.

j) -Penalty for late payment

- 1) Penalty at a rate of five percent (5%), per month, shall be charged and become due and payable forthwith on the amount of any Casino license fee or gambling revenue tax remaining unpaid after the date on which it becomes due and payable.
- 2) Additional penalty at the rate of five percent (5%), per month, shall be charged and become due and payable on any part of any amount including penalty that remains unpaid.
 - a) Upon the expiration of one (1) month commencing on the date when the amount first became due and payable; and
 - b) Upon expiration of each month commencing on the like date thereafter.

- 3) Failure to pay the fees and taxes required above, shall cause the Casino license to be automatically suspended on the ninety-first (91st) day past due.
- Any penalty or additional penalty payable under the Rules and 4) Regulation shall be deemed to be a Casino gambling revenue tax.

k) Liability for Fees and Taxes

- 1) The Casino licensee is liable for all Fees and Taxes due and payable in accordance with the Act.
- 2) Where the Casino operator is a lessee under a Casino lease, he and the Casino licensee are jointly and severally liable for all Fees and Taxes due and payable in accordance with this Act.
- 3) Where the Casino operator is party to a Casino management with the Casino agreement with the Casino licensee under a Casino lease, he and the Casino licensee or he and the Casino licensee and the lessee, as the case may be jointly and severally liable for all Fees and Taxes due and payable in accordance with this Act.

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CHAPTER 3

CASINO SERVICE INDUSTRY PROVIDERS

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CHAPTER 3

CASINO SERVICE INDUSTRY PROVIDERS

3-1.1 DEFINITIONS

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

- a. "Casino Management Company" means a company which has been previously licensed in or currently manages a casino operation in a commission approved gaming jurisdiction for the purposes of casino management services and has at least five years of casino management experience.
- b. "Gaming equipment" means any mechanical, electrical or electronic contrivance or machine used in connection with gaming or any game and includes, without limitation, roulette wheels, roulette tables, big six wheels, craps tables, tables for card games, layouts, slot machines, cards, dice, chips, plaques, card dealing shoes, drop boxes, and other devices, machines, equipment, items or articles determined by the Commission to be so utilized in gaming as to require licensing of the manufacturers, distributors or services or as to require Commission approval in order to contribute to the integrity of the gaming industry.
- c. "Gaming equipment distributor" means any person who distributes, sells, supplies or markets gaming equipment.
- d. "Gaming equipment industry" means any gaming equipment manufacturer, and any producers or assemblers of gaming equipment(s).
- equipment manufacturer" means "Gaming any person who manufactures gaming equipment.
- "Gaming equipment servicer" means any person who maintains, services or repairs gaming equipment.
- "Sales representative" means any person owning an interest in, employed by or representing a Casino service industry enterprise, who solicits the goods and services or business thereof.
- h. "Security business" or "Casino security service" means any nongovernmental enterprise providing physical security services to a Casino, a Casino licensee, an approved hotel or any premises located with a Casino complex.

3-1.2 LICENSE REQUIREMENTS

- a) Except as otherwise provided for herein, any enterprise that provides goods or services related to, or transacts business related with, Casino or gaming activity with a Casino applicant or licensee, its employees or agents must be licensed by the Commission. The Commission may permit an applicant for a Casino service industry license to conduct business transactions with such Casino applicant or licensee prior to the licensure of the Casino service industry license applicant upon a showing of good cause by a Casino applicant or licensee for each business transaction. The following enterprises must be licensed as a Casino service industry.
 - 1) Any form of enterprise which manufactures, supplies or distributes devices, machines, equipment, items or articles specifically designed for use in the operation of a Casino or needed to conduct a game including, but not limited to, roulette wheels, roulette tables, big six wheels, craps tables, tables for card games, layouts, slot machines, cards, dice, gaming chips, gaming plagues, slot tokens, card dealing shoes and drop boxes; or
 - 2) Any form of enterprise which provides maintenance, service or repair pertaining to devices, machines, equipment, items, or articles specifically designed for use in the operation of a Casino or needed to conduct a game; or
 - 3) Any form of enterprise which provides service directly related to the operation, regulation or management of a Casino including, but not limited to, gaming schools teaching gaming and either playing or dealing techniques, Casino security enterprises, Casino credit collection enterprises; or
 - 4) Any form of enterprise which provides such other goods or services determined by the Commission to be so utilized in or incidental to gaming or Casino activity as to require licensing in order to contribute to the integrity of the gaming industry in Rota.
- b) Unless otherwise licensed in accordance with (a) above, no enterprise is permitted to, on a regular or continuing basis, provide goods or services regarding the realty, construction, maintenance, or business of a proposed or existing Casino or related facility to a Casino applicant or licensee, its employees or agents unless such enterprise is licensed or exempted in accordance with this Rules and Regulations. In determining whether an enterprise is subject to the requirements of this subsection, it shall not matter whether the Casino applicant or licensee is a party to any agreement pursuant to which said goods or services are being provided. Enterprises subject to the provisions of this subsection includes, but is not

limited to, suppliers of alcoholic beverages, food and nonalcoholic beverages, garbage handlers, vending machine providers, linen suppliers, maintenance companies, shop-keepers located within the approved hotel or casino, limousine services and construction companies contracting with the approved hotel or Casino applicants or licensees or their employees or agents.

- In determining if a person or enterprise does or will, on a regular or c) continuing basis, provide goods or services regarding the realty, construction, maintenance, or business of a proposed or existing Casino or related facility to Casino applicants or licensees, their employees or agents, the following factors shall be considered:
 - 1) Number of transactions;
 - 2) Frequency of transactions;
 - 3) Dollar amounts of transactions;
 - 4) Nature of goods or services provided or business transacted;
 - 5) Maximum potential period of time necessary to fully provide the goods, perform the services or complete the business which is the subject of the transaction; and
 - 6) The recommendation of the Executive Director or his designee;
- d) Notwithstanding the provisions of (c) above, persons and enterprises which provide, or imminently will provide, goods or services regarding realty, construction, maintenance, or business of a proposed or existing Casino or related facility to Casino applicants or licensees, their employees or agents shall, unless otherwise determined by the Commission, be deemed to be transacting such business on a regular or continuing basis if, the total dollar amount of such transactions with a single Casino applicant or licensee, its employees or agents, is or will be equal to or greater than Fifty Thousand Dollars (\$50,000.00) within any twelve (12) month period.
- e) The word "transaction" for purposes of this section, must be construed to effectuate the public interest and the policies of the Commission.

STANDARDS FOR QUALIFICATIONS

a) The general Rules and Regulations relating to standards for qualification are set forth in the Rules and Regulations and are incorporated herein.

- b) Each applicant required to be licensed as a Casino service industry in accordance to this Rules and Regulations including gaming schools, must, prior to the issuance of any Casino service industry license, produce such information, documentation and assurances to establish by clear and convincing evidence:
 - 1) The financial stability, integrity and responsibility of the applicant;
 - The applicant's good character, honesty and integrity;
 - 3) That the applicant, either himself or through his employees, has sufficient business ability and experience to establish, operate and maintain his enterprise with reasonable prospects for successful operation;
 - 4) That all owners, management and supervisory personnel, principal employees and sales representatives qualify under the standards established for qualification of a Casino key employee.
 - 5) The integrity of all financial backers, investors, mortgagees, bondholders, and holders of indentures, notes or other evidence of indebtedness, either in effect or proposed, which bears any relationship to the enterprise; and
 - 6) The integrity of all officers, directors, and trustees of the applicant.
- c) Each applicant required to be licensed as a Casino service industry in accordance shall, prior to the issuance of any Casino service industry license, produce such information and documentation, including without limitation as to the generality of the foregoing its financial books and records, assurances to establish by clear and convincing evidence its good character, honesty and integrity.
- d) Any enterprise directed to file an application for a Casino service industry license pursuant to this Rules and Regulations may request permission from the Commission to submit a modified form of such application. The Commission, in its discretion, may permit such modification if the enterprise can demonstrate to the Commission's satisfaction that securities issued are listed, or are approved for listing upon notice of issuance, on the New York Stock Exchange or the American Stock Exchange or any other major foreign Stock Exchange.

- e) Any modifications of a Casino service industry license application permitted pursuant to this section may be in any form deemed appropriate by the Commission except that the application for modification must include the following:
 - 1) The appropriate Personal History Disclosure Forms for all those individuals required to so file by the Commission; and
 - 2) Copies of all filings required by the United States Securities and Exchange Commission including all 10K's, 10Q's, 8K's, proxy statements and quarterly reports issued by the applicant during the two immediately preceding fiscal years or reports filed pursuant to the requirements of another regulatory body dealing with securities; and
 - 3) Properly executed Consents to Inspections, Waivers of Liability for Disclosures of Information and Consents to Examination of Accounts and Records in forms as prescribed by the Commission; and
 - 4) Payment of the appropriate Casino service industry fee; and
 - 5) Any other information or documentation required at any time by the Commission.

3-1.4 Persons required to be qualified

The general Rules and Regulations relating to the persons required to be qualified prior to the issuance of a Casino service industry license are set forth in the Rules and Regulations in Section 2-4.2

3-1.5 DISQUALIFICATION CRITERIA

A Casino service industry license may be denied to any applicant who has failed to prove by clear and convincing evidence that he or any of the persons who is qualified under any of the criteria set forth in Section 2-5.2(b) of the Rules and Regulations.

3-1.6 COMPETITION

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

3-1.7 INVESTIGATION; SUPPLEMENTARY INFORMATION

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

3-1.8 RENEWAL OF LICENSES

- a) An application for renewal of a license shall be filed annually no later than thirty (30) days prior to the expiration of its license. The application for renewal of a license must be accompanied by the prescribed fee and need to contain only that information which represents or reflects changes, deletions, additions or modifications to the information previously filed with the Commission
- b) A change in any item that was a condition of the original license or of a license renewal must be approved by the Commission. A change in ownership shall invalidate any approval previously given by the Commission. The proposed new owner is required to submit an application for licensure and evidence that he is qualified for licensure.

3-1.9 RECORD KEEPING

- a) All Casino service industry licensees must maintain adequate records of business operations which shall be made available to the Commission upon request; the records must be maintained in a place secure from theft, loss or destruction Adequate records include:
 - 1) All correspondence with the Commission and other governmental agencies on the local, State and National level;
 - All correspondence concerning the realty, construction, maintenance, or business of a proposed or existing Casino or related facility.
 - 3) All copies of promotional material and advertisement;
 - 4) All personnel file of each employees or agent of the licensee, including sales representatives; and

- 5) All financial records of all transactions concerning the realty, construction, maintenance, or business of a proposed or existing Casino or related facility.
- b) Adequate records as listed in subsection (a) above must be held for at least seven (7) years.

3-1.10 RECORD OF GAMING EQUIPMENT INVENTORY

- a) A manufacturer of all gaming machines/equipments but not limited to slot machines, keno games, roulette and big six wheels shall permanently affix an identification plate on each piece of gaming equipment that is clearly visible, showing an identification or serial number, the date of manufacture and the name of the manufacturer.
- b) A manufacturer of the gaming machine/equipment must maintain a record for all periods of registration that it supplies a Casino opearator as a Casino gaming-related supplier of gaming equipment.
- c) A Casino operator must maintain a record of each gaming machine/equipment that includes, but not limited to:
 - 1. Name of the manufacturer of each piece of gaming machine/equipment;
 - 2. Date of manufacture;
 - 3. Serial or identification number:
 - 4. Date of delivery to the Casino operator;
 - 5. Current post-delivery status;
 - 6. Disposal date and method; and
 - 7. Name of purchaser at disposal.

3-1.11 EQUIPMENT TESTING COST

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

- All gaming machine/equipment must pay out a mathematically b) demonstrable percentage of all amounts wagered subject to the approval of the Commission.
- c) Malfunctioning gaming machine/equipment which have an impact or effect on the performance and/or payout of the game must not be made available for play.

3-1.12 GAMES OF CHANCE

- a) A Casino operator must submit to the Commission for approval, a complete listing and description of any game of chance proposed for play in a Casino that the operator intends to offer for play.
- b) For each game of chance submitted, the Casino operator must provide the rules of play to the Commission.

3-1.13 HARDWARE REQUIREMENTS

a) Identification plates

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

- 1) Manufacturer;
- 2) Serial number; and
- 3) Model number.
- b) Power interrupts circuit
 - 1) A power interrupt circuit must be installed in all appropriate gaming equipment.
 - 2) A battery backup device is required that is capable of maintaining accurate required information after power is discontinued.
 - The backup device must be kept within the locked or sealed logic 3) board compartment.
- c) Electromagnetic interference

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

- Each Casino operator must submit its hardware accessories requirements, d) operational and control system, including, but is not limited to:
 - 1) Coin and token:
 - 2) Bill Validators;
 - 3) Automatic light - alarm;
 - Protection of logic boards and memory components; 4)
 - 5) Hardware switches;
 - Drop bucket; and
 - 7) Hopper.

3-1.14 SOFTWARE REQUIREMENTS

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

- a) Machine Percentage payout
- Machine Control programs or updates thereof b)
- Continuation of game after malfunction is cleared c)
- d) Machine Specifications – Error Conditions
 - 1) **Automatic Clearing**
 - 2) Clearing by attendant
 - 3) Computer monitoring requirement for machines
- e) Standards respecting progressive slot machines
- f) Meter requirements
- g) **Jackpot Limits**
- h) Transfer of jackpots
- i) Linked jackpot arrangements, and or

j) Associated Equipment.

3-1.15 Cause for suspension, failure to renew or revocation of a license

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

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

3-1.16 FEES

All fees must comply with the requirements under Chapter 2, section 2-8.8 and/or the Statement of Fees published by the commission.

3-1.17 EXEMPTION

The Commission may, upon the written request of any person, or upon its own initiative, exempt any person or field of commerce from the Casino service industry licensure requirements pursuant to the Rules and Regulations in Section 2-2.2 (d).

3-1.18 Casino service industry license

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

The enterprise; a)

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- b) If the enterprise is, or if it is to become a subsidiary, each holding company and each intermediary company which the Commission deems necessary in order to further the purposes of the Act;
- Each owner of the enterprise who directly or indirectly holds any c) beneficial interest or ownership in excess of twenty (20%) percent of the enterprise;
- d) Each owner of a holding company or intermediary company who the Commission necessary in order to further the purposes of the Act:
- e) Each director of the enterprise except a director who, in the opinion of the Commission is significantly not involved in or connected with the management or ownership of the enterprise shall not be required to qualify;
- f) Each officer of the enterprise who is significantly involved in or has authority over the conduct of business directly related to Casino or gaming activity and each officer whom the Commission may consider appropriate for qualification in order to ensure the good character, honestly and integrity of the enterprise;
- Each officer of a holding company or intermediary company g) whom the Commission may consider appropriate for qualification in order to ensure the good character, honestly and integrity of the enterprise;
- h) The management employee supervising the regional or local office which employs the sales representative who will solicit business or deal directly with a Casino licensee;
- Each employee who will act as a sales representative or otherwise i) regularly engage in the solicitation of business from Casino licensees; and
- j) Any other person whom the Commission may consider appropriate for approval or qualification.

3-1.19 MASTER VENDORS LIST

a) Each Casino licensee must establish a listing of all vendors in which it conducts business irrespective of the amount of business transacted;

This listing must include, at a minimum, the following information:

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- 1) Name of the company or individual, if sole proprietor;
- 2) Physical Address and email of company or sole proprietor;
- 3) Amount of business for the month;
- 4) If the licensee is a company, then a listing of the officers and stockholders of the company;
- 5) A listing of the employees involved with the Casino licensee; and
- 6) Any other information the Commission determines to be necessary to track levels of business.
- b) By no later than the fifth (5th) of each month, each Casino licensee shall file with the Commission in either a written format or via computer disk or flash drive that is compatible with equipment utilized by the Commission its master vendor list with the information set forth in subsection (a) above.

CHAPTER 4

HEARINGS

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GENERAL PROVISIONS SUBCHAPTER 1.

4-1.1 DEFINITIONS

As used in this chapter, the term:

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

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

"Party" means any person or entity directly involved in a contested case, including petitioner, respondent, intervener, or agency of the Commonwealth of the Northern Mariana Islands proceeding in any such capacity;

"Emergency Orders" means an order issued by the Commission for immediate action/relief.

4-1.2 APPLICABILITY OF RULES

- a) In addition to the Administrative Procedure Rules (APR), the provisions of the Act and the Rules and Regulations in this chapter apply to an appropriate contested case hearing.
- b) To the extent that the Act and the Rules and Regulations in this chapter are inconsistent with APR, the former shall apply.

4-1.3 CONDUCT OF CONTESTED CASE HEARINGS

- a) At all hearings of the Commission in contested cases, unless the Commission hears the matter directly, the chairman may designate a member of the Commission to serve as a hearing Commissioner or shall designate a hearing examiner to serve as a hearing officer. When the Commission hears the matter directly, the chairman must serve as presiding officer.
- b) In the event that the designated hearing commissioner is unavailable prior to the filing of the recommended report and decision for consideration by the Commission, the chairman may either designate another hearing Commissioner or transfer the proceedings to the entire

Commission. In such event, and consistent with the requirements of due process, the Commission or the designated hearing Commissioner may either continue the hearing and render a decision upon the entire record or begin the hearing anew.

RULES CONCERNING ALL CONTESTED CASES SUBCHAPTER 2.

RULES CONCERNING ALL CONTESTED CASES 4-2.1

- Whether a contested case hearing is conducted by the Commission, by a a) hearing Commissioner or Hearing Examiner, in addition to any authority granted in the APR, the Chairman, the Hearing Commissioner or the Hearing Examiner, as the case may be, has the authority to:
 - 1) Administer oaths and to require testimony to;
 - 2) Serve process or notices in a manner provided for the service of process and notice in civil actions in accordance with the rules of court;
 - 3) Issue subpoenas and compel the attendance of witnesses;
 - Propound written interrogatories; 4)
 - Take official notice of any generally accepted information or 5) technical or scientific manner in the field of gaming and any other fact which may judicially noticed by the courts of this Commonwealth; and
 - 6) Permit the filing of amended or supplemental pleadings.
- b) Whether a contested case hearing is conducted by the Commission, a hearing commissioner or hearing examiner, and in addition to any rights granted in the APR, the parties have the right to:
 - Call and examine witnesses; 1)
 - 2) Introduce exhibits relevant to the issues of the case, including the transcript of testimony at any investigative hearing conducted by or on behalf of the Commission;
 - 3) Cross examine opposing witnesses in any matters relevant to the issues of the case:

- 4) Impeach any witness, regardless of which party called him to testify;
- 5) Offer rebuttal evidence; and
- 6) Stipulate and agree that certain specified evidence may be admitted, although such evidence may be otherwise subject to objection.
- c) In any contested case, the Commission has authority to:
 - 1) Grant testimonial immunity, and
 - Order of rehearing.
- d) In any contested case held, the following special rules of evidence apply:
 - Any relevant evidence, not subject to a claim of privilege, may be admitted regardless of any rule of evidence which would bar such evidence in judicial matters;
 - Evidence admitted pursuant to (c)(1) above is sufficient in itself to support a finding, if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affair; and
 - 3) If an applicant, licensee, registrant or person that qualified pursuant to the Act and this regulation is a party, then such party must not testify on its behalf; however, the party may be called and examined as if under cross-examination.

SUBCHAPTER 3. RULES CONCERNING APPLICATION HEARINGS

4-3.1 RIGHTS TO HEARINGS; REQUEST, WRITTEN NOTICE

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

b) The applicant may file with the Commission a request for hearing within fifteen (15) days after service of the written notice of right to a hearing and responsibility to request a hearing

4-3.2 Procedure when no hearing is held

In any case in which no timely request for a hearing has been filed in which the Commission has not directed a hearing, the Commission must take a final action on the application within ninety (90) days after the receipt of all required information and the completion of any investigation.

4-3.3 BURDEN OF PROOF

- a) The applicant, licensee or registrant has the affirmative responsibility of establishing its individual qualifications by clear and convincing evidence.
- b) An applicant for a Casino license has the affirmative responsibility of establishing by clear and convincing evidence:
 - 1) Individual qualification;
 - 2) The qualification of each person who is required to be qualified under this Rules and Regulations; and
 - 3) The qualification of the facility in which the Casino is to be located.

4-3.4 APPROVAL AND DENIAL OF APPLICATIONS

- a) The Commission has the authority to grant or deny any application pursuant to the provisions of the Act and of this Rules and Regulations;
- b) After the Commission has granted an application for a Casino license or a conditional Casino license but before issuing such license, the Commission must: :
 - 1) Require the applicant to tender all license fees and taxes as required by law and the Rules and Regulations adopted pursuant to the Act;
 - 2) Require the applicant to push such bond as the Commission may require for the faithful performance of all requirements imposed by the law or regulation; the Commission will fix the amount of the bond or bonds to be required under this subsection in such amounts as it may deem appropriate, according to this title.

- Before granting any application other than for a Casino license, the c) Commission must:
 - Limit or place such restrictions thereupon as the Commission may 1. deem necessary in the public interest; and
 - 2 Require the applicant to tender all license fees as required by law and regulations adopted pursuant to the Act.

RULES CONCERNING PROCEEDINGS AGAINST SUBCHAPTER 4. APPLICANTS, LICENSEES AND REGISTRANTS

4-4.1 COMMENCEMENT OF COMPLAINT

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

4-4.2 SERVICE OF COMPLAINT

Within fourteen (14) days of filing of the complaint, the Commission must serve a copy upon the applicant, licensee or registrant personally, by certified mail, by facsimile or by secured email to the address on the file with the Commission.

4-4.3 NOTICE OF DEFENSE

- a) Within fifteen (15) days after service of the complaint, the applicant, license or registrant may file with the Commission a notice of defense, in which he may:
 - 1) Request a hearing;
 - 2) Admit or deny the allegations in whole or in part;
 - 3) Present new matters or explanations by way of defense; or
 - 4) State any legal objection to the complaint.
- b) Within the time specified, the applicant or license may file one or more notices of defense upon any or all of the above grounds.

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4-4.4 RIGHT TO HEARING; WAIVER

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

4-4.5 NOTICE OF HEARING

The Commission will determine the time and place of hearing as soon as is reasonably practical after receiving the notice of defense. The Commission will deliver or send by certified mail, facsimile or secured email a notice to all parties at least ten (10) days prior to the hearing.

4-4.6 REVOCATION OF LICENSE OR REGISTRATION; HEARING

The Commission will not revoke or suspend any license unless it has first afforded the licensee opportunity for a hearing. Such hearing must be held in accordance with the provision of this Chapter, subchapter 2.

4-4.7 EMERGENCY ORDERS; HEARINGS; COMPLAINTS

Within five (5) days after the issuance of an emergency order pursuant to this regulation, the Commission will cause a complaint to be filed and served upon the person involved in accordance with the provisions of the regulation. Thereafter, the person against whom the emergency order has been issued and served is entitled to a hearing before the Commission. A person may request a hearing in accordance with the provisions of this Chapter, subchapter 3.

SUBCHAPTER 5. HEARING ON REGULATIONS

4-5.1 HEARING ON REGULATIONS

- The Commission must adopt, amend and repeal regulations in accordance with the provisions of the Administrative Procedure Act;
- b) Consistent with the requirements of the Act and the Administrative Procedure Act, the Commission may, in its discretion, conduct hearings concerning the adoption, amendment or repeal of its regulations.

- Any public hearing held in connection with the propose regulation shall c) be conducted in accordance with the Administrative Procedures Act.
- The Commission must provide at least fifteen (15) days notice of any d) public hearing conducted in connection with the proposed regulation. Such notice must be published in the Commonwealth Register or provided in a manner reasonably calculated to reach the interested public in accordance with 1 CMC § 9104.
- e) At the hearing held in connection with the propose regulations, all interested parties will be afforded the opportunity to attend and to appear before the Commission to submit oral agreement in support of or in opposition to the proposed regulations. Such participation does not include the right to present evidence or to cross-examine witnesses, which may permitted solely in the discretion of the Commission.
 - 1) The Commission may require notice in advance of the date of the proceedings of any individual's intent to participate.
 - 2) This section shall not be construed to establish a right of any individual to appear before the Commission in the event that the Commission may act at a subsequent date to adopt the proposed regulations.

SUBCHAPTER 6. DECLARATORY RULINGS

4-6.1 DECLARATORY RULINGS

- a) Any interested person may request that the Commission render a declaratory ruling with respect to the applicability to any person, property or state of facts of any provision of the Act or the Rules and Regulations.
- b) A request for a declaratory ruling must be initiated by a petition. The petition must include the following items with specificity:
 - 1) The nature of request and the reasons thereof;
 - 2) The facts of the circumstances underlying the request;
 - 3) Legal authority and argument in support of the request; and
 - 4) The remedy or result desired.
- c) If the Commission, in its discretion, decides to render a declaratory ruling, a hearing shall be afforded prior to the rendering of such ruling.

- If disputed issues of fact exists which must be resolved in order to 1) determine the rights, duties, obligations, privileges, benefits or other legal relation or specific parties, then a hearing must be conducted in accordance with this Chapter, subchapter 2.
- 2) If no such disputed issues of fact exists as identified in the above mentioned (c)(1), the matter will proceed with the petition, and with any other papers requested of the parties, and oral argument, if permitted, by the Commission.
- d) In appropriate cases, the Commission may notify persons who may be interested in or affected by the subject of the declaratory ruling. In such cases, the Commission may afford these persons an opportunity to intervene as parties or to otherwise present their views in appropriate manner which is consistent with the rights of parties.

SUBCHAPTER 7 STATEMENTS OF COMPLIANCE

4-7.1 STATEMENT OF COMPLIANCE

- a) A hearing will be afforded prior to the Commission's determination to grant or deny the issuance of a Statement of Compliance. The matter shall proceed with the petition, in compliance with this Chapter's subsection 2-6.2 of the Rules and Regulations, any other papers requested of these parties, and oral argument, if permitted by the Commission.
- b) In appropriate cases, the Commission may notify persons who may be interested in or affected by the subject of the Statement of Compliance. In the case, the Commission may afford these persons an opportunity to intervene as parties or otherwise present their views in an appropriate manner which is consistent with the rights of the parties.

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CHAPTER 5

INTERNAL CONTROL

ADMINSTRATIVE AND ACCOUNTING PROCEDURES AND AUDIT REQUIREMENTS

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CHAPTER 5

INTERNAL CONTROLS

ADMINISTRATIVE AND ACCOUNTING PROCEDURES AND AUDIT REQUIREMENTS

5-1.1 System of Controls and Procedures

- a) A Casino operator must submit to the Executive Director for the approval of the Commission;
 - A description of the system of internal controls and administrative and accounting procedures, generally accepted and currently utilized in casino industry standards, proposed by the Casino operator in connection with the operation of the Casino; and
 - 2) Details of changes proposed to any such controls and procedures previously approved by the Commission.
- b) The submission must be made not later than ninety (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 that is closer to the date for the commencement or implantation as aforesaid.

5-1.2 CONTENT OF SUBMISSION

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

- a) Accounting procedures, with adherence to Generally Accepted Accounting Principles, (GAAP), including the standardization of forms and definition of terms, not inconsistent with this Rules and Regulations, to be utilized in the gaming operation;
- b) Procedures, forms and, where appropriate, formula for or with respect to:
 - 1) Hold percentages and calculations thereof;
 - 2) Revenue drop;
 - 3) Expense and overhead schedules;

- 4) Complimentary services;
- 5) Salary arrangements; and
- 6) Personnel practices.
- Job descriptions and the system of organizing personnel and chain c) of command authority such as to establish diversity of responsibility among employees engaged in Casino operations and identification of primary and secondary supervisory positions for areas of responsibility, which areas shall not be extensive as to be impractical for an individual to supervise effectively; to the greatest extent possible, the casino licensee shall reserve positions of all levels, including supervisory positions, for residents of Rota.
- Procedures for the conduct and playing of games; d)
- Procedures within a cashier's cage for the receipt, storage and e) 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;
- I) Procedures for the security, storage and recording of chips utilized in the gaming operations;

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

COMMISSION'S APPROVAL 5-1.3

- The Executive Director shall review each submission received as a) described in Section 5-1.2 above and advise the Commission;
 - 1) Whether it is in conformity with the requirements of the policy of the commission or if promulgated, the Rules and Regulations that govern Systems of Controls and Procedures for a licensee; and
 - In a case referred to in Section 5-1.1(a)2, whether the system of 2) controls and procedures provides satisfactory and effective control over the operations of the Casino; or
 - 3) In a case referred to in Section 5-1.1(a)2, whether the system of controls and procedures as previously approved as altered in accordance with the changes proposed provides satisfactory and effective control over the operations of the Casino.
- If the Executive Director considers that: b)
 - 1) The submission is not in conformity with the requirements of this Rules and Regulations; and
 - 2) The system of controls and procedures does not provide satisfactory and effective control over the operations of the Casino, either as a system in the first instance or as a system as changed in accordance with proposed alterations, must first, before advising the Commission, inform the Casino accordingly and specify the steps to be taken for the submission to be in compliance with the requirements of this Rules and Regulations or for the system (in the first instance or as changed) to provide satisfactory and effective control over the operations of the Casino.
- c) The Casino operator, in order for his submission to proceed, shall take the steps to be taken as specified by the Executive Director.
- Where the Executive Director advises the Commission that the d) submission complies with the requirements of this regulation and that the system of controls and procedures provides satisfactory and effective control over the operations of the Casino, either in the first instance or as changed in accordance with proposed alteration, the Commission must approve the system or proposed changes accordingly.
- e) The Commission may require in a written notice for a Casino operator to alter any part of the system of controls and procedure by a date specified in the notice.

- 1) The notice must stipulate the alteration to be made.
- 2) The alterations on the system of controls and procedures in connection with the operation of the Casino must be by the date specified in the notice.
- f) A Casino operator must not:
 - 1) Conduct gaming in a Casino unless the system of controls and procedures as aforesaid has been;
 - (i) Approved by the Commission; and
 - (ii) Implemented by the Casino operator.
 - 2) Change the system that was approved by the Commission unless any changes proposed are first approved by the Commission.
- g) The provisions of Chapter 4, Subchapter 3.1 are applicable to this section.

5-1.4 BOOKS, ETC., TO BE KEPT ON PREMISES

- a) All books, records and documents relating to the operation of the Casino complex or the Casino must be kept by the Casino operator on the Casino complex premises.
- b) The Commission may by written notice:
 - Exempt the Casino operator from compliance with Subsection (a) above either in respect of all books, records and documents or some of them as specified by it for reasons considered by it to be sufficient.
 - Generally or specifically approve books, records and documents to be removed temporarily from the Casino or Casino to another location.
- c) Subject to any other Act or law relating to the retention or destruction of books, records and documents, all books, records and documents as referred to in Subsection (a) above must be retained by the Casino operator for a period of seven (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;
 - 1) The retention of books, records or documents in an alternative form or manner; or

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

5-1.5 KEEPING OF BANK ACCOUNTS

- a) A Casino operator will keep and maintain separate bank accounts as approved by the Commission in a bank in the Commonwealth of the Northern Mariana Islands for use for all banking transactions relating to the operations of the Casino complex or the Casino.
- b) A Casino operator will disclose and seek approval for all other bank accounts held, off-island by the operator or licensee in which funds are deposited for gambling play on behalf of the player, junket operator or for investment purposes of the casino complex.
- c) Upon execution of an appropriate waiver, consistent with "The Right to Financial Privacy Act," 12 U.S.C. § 3401 et seq. and 4 CMC § 6454, an applicant or licensee shall be deemed to have given to the Commission an unconditional and irrevocable grant of authority to inspect, on demand, and without notice to such applicant or licensee, the applicant's or licensee's bank accounts and bank records wherever said bank is located as well as a grant by an applicant or licensee to its bank of indemnification for the release of any such otherwise confidential information.

5-1.6 ACCOUNTS TO BE KEPT

A Casino operator must:

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

5-1.7 FINANCIAL STATEMENTS AND ACCOUNT

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

- a) Trading accounts, where applicable for the financial year;
 - (i) Which include a separated listing of all the local businesses that the casino licensee does trade with:
 - (ii) Which include the percentages of trade conducted with each local business, so as to prove compliance with section 2-2.2(e).
- b) Profit and loss accounts for the financial year; and
- c) Balance sheet at the end of the financial year.

5-1.8 SUBMISSION OF REPORTS

- a) A Casino operator must submit to the Executive Director, at such times as are prescribed by the Commission, reports relating to the operations of the Hotel/Casino complex or the Casino.
- b) If Executive Director determines that any such report is not in compliance with required information, the Executive Director may instruct the Casino operator to submit information as necessary to be in compliance within a time determined by the Executive Director; the Casino operator must supply the additional information within the time determined.

5-1.9 AUDIT PROVISIONS

- A Casino operator must at his own expense cause his books, accounts, and financial statements relating to the operations of the Casino or Casino to be audited by a person who:
 - Is a US certified public accountant; and
 - 2) Is approved by the Commission.
- b) The auditor must complete the audit within four (4) months of the close of the financial year and immediately upon completion thereof submit all reports to Casino operator and the Commission.

5-1.10 WIDER APPLICATION OF CERTAIN PROVISIONS OF THIS CHAPTER

- a) In this section, reference to "person other than the actual operator" is a reference to a Casino licensee or a lessee under a Casino lease or to each of them a Casino licensee and a lessee under a Casino lease, as the case requires, where there is a either a Casino lease or a Casino management agreement or both.
- b) The provision of Section 5-1.4 to 5-1.9 apply to and impose obligations and liabilities on a person other than the actual operator in respect of all matters relating to the operations of the Casino complex or the Casino, according to its interest or association therewith to the same extent in all respects as they do in the case of the Casino operator under a Casino management agreement.

Commonwealth of the Northern Mariana Islands Department of Lands and Natural Resources Dr. Ignacio T. dela Cruz, D.V.M., Secretary, DLNR Caller Box 10007, Lower Base Drive, Lower Base, Saipan MP 96950 Tel. (670) 322-5017; Fax (670) 322-2633 E-Mail: dlnrsec@pticom.com

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS

WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE DEPARTMENT OF LANDS AND NATURAL RESOURCES DIVISION OF FISH AND WILDLIFE

INTENDED ACTION TO AMEND RULES AND REGUALTIONS: The Department of Lands and Natural Resources Division of Fish and Wildlife intends to amend its Non-Commercial Fish and Wildlife Regulations as set forth in the attached amendments to NMIAC § 85-30.1-101, Part 100, pursuant to the procedures of the Administrative Procedure Act at 1 CMC § 9104(a). The proposed regulations would take effect ten (10) days after adoption. 1 CMC § 9105(b).

AUTHORITY: The Secretary of the Department of Lands and Natural Resources is empowered with the authority to promulgate, adopt, and amend regulations regarding those matters entrusted to the Secretary. Fish, Game and Endangered Species Act ("FGES Act"). 2 CMC § 5108.

THE TERMS AND SUBSTANCE: The attached proposed regulations provides for the removal of the Tinian monarch from the list of CNMI locally designated endangered and threatened species.

THE SUBJECT AND ISSUE INVOLVED: These rules and regulations: 1. remove the Tinian monarch from the list of CNMI locally designated endangered and threatened species; 2. remove the species under the authority vested in the secretary pursuant to 2 CMC § 5108(c), as the determination that it is threatened and endangered is no longer applicable; and 3. remove the Tinian monarch from the list of CNMI locally designated endangered and threatened species is being made for consistency with the removal of the species from the United States Fish and Wildlife Service list of endangered and threatened wildlife and plants, which removal became effective on September 21, 2004. USFWS Final Rule To Remove the Tinian Monarch From the Federal List of Endangered and Threatened Wildlife; Federal Register, Volume 69, No. 182, 56367-56373 (September 21, 2004).

DIRECTIONS FOR FILING AND PUBLICATION: The attached proposed regulation shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102 (a)(1) and posted in convenient places in the civic

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center and in local government offices, in each senatorial district, both in the English and in the principal vernacular. 1 CMC § 9104(a)(1).

TO PROVIDE COMMENTS: Send or deliver your comments to Dr. Ignacio T. dela Cruz, Secretary of the Department of Lands and Natural Resources, Attn: New Regulations 2008, at the above address, fax or e-mail address, with the subject line "New Regulations 2008" plus your concern. Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. 1 CMC § 9104(a)(2).

Submitted by:	DR. GNACIO T. DELA CRUZ, D.V.M. Secretary, Department of Lands and Natural Resources	3/2/09 Date
Received by:	ESTHERS. FLEMING Governor's Special Assistant for Administration	3/12/09 Date
Filed and Recorded by:	ESTHER M. SAN NICOLAS Commonwealth Registrar	03.26.09 Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published. 1 CMC § 2153(f) (publication of rules and regulations).

Dated this **26** day of March 2009.

Gregory Baka 26 Mar 09 Date GREGORY BAKA Acting Attorney General

Part 100- Threatened and Endangered Species

§ 85-30.1-101 Locally Designated Threatened and Endangered Species

The Secretary, after consultation with the Director, may designate species or subspecies of fish, wildlife, and plants as threatened or endangered. The designation may include the designation of any portion of a listed species or subspecies range as the critical habitat of such species or subspecies. Table 1 contains a list of species that have been designated as threatened or endangered.

TABLE 1 Common, Scientific, & Local Names for CNMI Threatened and Endangered Species

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CNMI NAME	CHAMORRO NAME	CAROLINIAN NAME
BIRDS:		
Micronesian Megapode (Megapodius laperouse laperouse)	Sasangat	Sasangal
Common Moorhen (Gallinula chloropus) (G.c.guami)-Mariana Islands sub-species	Pulattat	Ghereel Bweel
Guam Swiftlet (Aerodramus)	Chachaguak	Leghekiyank
Marianas Crow (Corvus Kubaryi)	Aga	Mwii
Tinian Monarch (Monarcha takatsukasae)	Chichirikan Tinian	Leteighipar
Nightingale Reed-Warbler (Acrocephalus luscinia)	Ga'ga' karisu	Malul ghariisu
Rota Bridled White-eye (z.c. rotensis)	Nosa	Littchogh
MAMMALS:		
Marianas Fruit Bat (Pteropus mariannus)	Fanihi	
Sheath –tailed Bat (Emballonura semicaudata)	Payesyes	
REPTILES:		
Green Sea Turtle (Chelonia mydas)	Haggan	
Hawsbill Turtle (Eretmochelys imbricata)	Haggan Karai	
Micronesian Gecko (Perochiros ateles)	Gaali'ek	Micronesian Gecko (Perochiros ateles)

PLANTS:		
Fire Tree	Tronkon guafi	
(Serianthes nelsonii)		
Cat's Tail or Disciplina		
(Lycopodium phlegmaria var.		
longifolium)		

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Commonwealth Gi Sangkattan Na Islan Marianas Siha Department of Lands van Natural Resources Dr. Ignacio T. Dela Cruz, D.V.M. Sekritårio, DLNR Caller Box 10007, Lower Base Drive, Lower Base Saipan, MP 96950 Tel. (670) 322-5017; Fax (670)322-2633 E-Mail: dlnrsec@pticom.com

NOTISIAN PUPBLIKU NI MANMAPROPONEN AREKLAMENTO YAN REGULASION SIHA NI PARA I AMENDASION PARA I AREKLAMENTO YAN REGULASION SIHA GI DIPATTAMENTON POT TÅNO' SIHA YAN NATURAL RESOURCES DIBISION FISH YAN WILDLIFE

MA INTENSIONA NA AKSION PARA AMENDASION AREKLAMENTO YAN REGULASION SIHA: I Dipattamenton pot Tåno' siha yan Natural Resources Dibision Fish yan Wildlife ha intensiona para u amenda i regulasion i Non-Commercial Fish van Wildlife komu mapega mo'na gi halom i mañechetton na amendasion siha para i NMIAC § 85-30,1-101, Påtte 100, sigun gi maneran i Åkton Administrative Procedure gi 1 CMC § 9104(a). I manmaproponen regulasion siha para u efektibu gi halom dies(10)diha siha despues di adaptasion. 1 CMC § 9105(b).

ÅTURIDÅT: I Sekritårion i Dipattamenton pot Tåno' siha yan Natural Resources gai kapasidåt yan åturidåt para u cho'gue, umadåpta, yan u ma'amenda i regulasion siha sigun gi manera siha ni ma'enkåtga i Sekritårio. Åkton Guihan, Huegu, van Endangered Species("FGES Act"), 2 CMC § 5108.

I SUSTANSIAN I PALABRA SIHA: I mañechetton na amendasion ni manmapropone na Regulasion siha mana'suha i Tinian monarch ginen i listan i CNMI madesikna na endangered yan threatened species.

I SUHETO NI MASUMARIA YAN ASUNTO NI TINEKKA: Este na areklamento yan regulasion siha:

1. Na'suha i Tinian monarch ginen i listan i CNMI ni madesikna na endangered yan threatened species; 2. Na'suha i species gi papa' åturidåt ni machule' gi halom i sekritårio sigun gi 2 CMC § 5108(c), komu i detetminasion ni threatened pat i endangered esta ti inaplikåble; yan 3. Na'suha i Tinian monarch ginen i listan CNMI ni madesikna endangered yan threatened species mana'konsiste yan i mana'suhan i species ginen i Estådos Unidos Setbision Fish yan Wildlife na lista pot endangered yan threatened wildlife yan tinanom siha, ni mana'suha umefektibu gi Septembre 21, 2004, USFWS Uttimo na Areklamento na para u mana'suha i Tinian Monarch ginen i Listan Federåt na Endangered yan Threatened Wildlife: Rehistran Federåt, Baluma 69, Numiru 182, 56367-56373 (Septembre 21, 2004).

DIREKSION PARA U MAPO'LO YAN MAPUPBLIKA: I chechetton ni mapropone na regulasion debi na u mapupblika gi halom i Rehistran Commonwealth gi halom i seksiona ni mapropone yan nuebu na ma'adapta na regulasion siha (1 CMC 9102(a)(1) yan u mapega gi kombiniente na lugat siha gi halom i civic center yan i ofisinan gobietnamento gi kada distriton senadot, parehu gi fino' English yan i prinsipat na lengguahen natibu. 1 CMC § 9104(a)(1).

PARA U MAPRIBENIYI OPIÑION SIHA: Na'hånåo pat entrega i infotmasion guatu gi as Dr. Ignacio T. Dela Cruz, Sekritårion i Dipattamenton pot Tåno' siha yan Natural Resources, Attn: Nuebu na Regulasion Siha 2008, gi sanhilo' na address, fax pat e-mail address, yan i råyan suheto"Nuebu Na Regulasion Siha 2008" yan i interes-mu. Todu infotmasion debi na u fanhålom gi halom trenta(30)diha siha ginen i fechan i pupblikasion este na notisia. Pot fabot na'hålom i infotmasion, hinasso, pat testamoñion kinentra siha. 1 CMC § 9104(a)(2).

Nina'hålom as: DK. IGNACIO T. DELA CRUZ, D.V.M. Sekritårio, Dipattamenton Pot Tåno' Siha Yan Natural Resources	3/2/09 Fecha
Rinesibi: ESTHER S. FLEMING Espesiåt Na Ayudånte Para Atministrasion Gobietno	3/12/09 Fecha
Pine'lo yan Rinekot as: ESTHER M. SAN NICOLAS Rehistran Commonwealth	03.26.09 Fecha
Sigun i 1 CMC § 2153(e) (Inapreban Abugådu Heneråt ni para u para fotma) yan 1 CMC § 9104(a)(3) (hentan inapreban Abugådi mapropone na regulasion siha ni mañechetton guini manmarebis komu fotma yan sufisiente ligåt ginen i CNMI Abugådu Heneråt mapupblika. 1 CMC § 2153(f) (pupblikasion i areklamento yan mafecha gi diha 26 gi Måtso, 2009.	u Heneråt) i man sa yan manma'apreba t yan debi na u
1,,	Måtso 2009 Fecha
UKEUURI BAKA '	Fecha

MARCH 26, 2009

Acting Abugådu Heneråt

Påtte 100 Threatened yan Endangered Species

§ 85-30.1-101 Locally Madesikna Threatened yan Endangered Species

I Sekritårio, despues di konsuttasion i Direktot, siña madesikna i species siha pat subspecies guihan, wildlife, yan tinanom siha komu threatened pat endangered. I desiknasion siña ha engklusu i desiknasion gi månu na påtte gi listan species pat subspecies månu i chi-ña komu kritikåt na sagå-ña gi klåsen species pat subspecies. (Table) Infotmasion 1 listan species ni manmadesikna komu threatened pat endangered.

(TABLE) INFOTMASION 1

Common, Scientific, & Local Names para CNMI Threatened yan Endangered **Species**

> NUMBER 3 MARCH 26, 2009 PAGE 029364

CNMI NAME	CHAMORRO NAME	CAROLINIAN NAME
BIRDS:		
Micronesian Megapode (Megapodius laperouse laperouse)	Sasangat	Sasangal
Common Moorhen (Gallinula chloropus) (G.c.guami)-Mariana Islands sub-species	Pulattat	Ghereel Bweel
Guam Swiftlet (Aerodramus)	Chachaguak	Leghekiyank
Marianas Crow (Corvus Kubaryi)	Aga	Mwii
Tinian Monarch (Monarcha takatsukasae)	Chichirikan Tinian	Leteighipar
Nightingale Reed-Warbler (Acrocephalus luscinia)	Ga'ga' karisu	Malul ghariisu
Rota Bridled White-eye (z.c. rotensis)	Nosa	Littchogh
MAMMALS:		
Marianas Fruit Bat (Pteropus mariannus)	Fanihi	
Sheath –tailed Bat (Emballonura semicaudata)	Payesyes	
REPTILES:		
Green Sea Turtle (Chelonia mydas)	Haggan	
Hawsbill Turtle (Eretmochelys imbricata)	Haggan Karai	
Micronesian Gecko (Perochiros ateles)	Gaali'ek	Micronesian Gecko (Perochiros ateles)

PLANTS:		
Fire Tree	Tronkon guafi	
(Serianthes nelsonii)		
Cat's Tail or Disciplina		
(Lycopodium phlegmaria var.		
longifolium)		

Commonwealth Téél falúw kka falúwasch Efáng Marianas Bwulasiyool Land and Natural Resources

Dr. Ignacio T. dela Cruz, D.V.M., Samwoolul, DLNR
Caller Box 10007, Lower Base Drive, Lower Base, Seipél MP 96950
Tilifoon. (670) 322-5017: Fax (670) 322-2633
E-mail: dlnrsec@pticom.com

ARONGOL TOULAP REEL POMWOL ALLÉGH KKA EBWE SSIWEL NGÁLI ALLÉGHÚL <u>BWULASIYOOL LAND AND NATURAL RESOURCES DIBISIONUL</u> FISH AND WILDLIFE

AGHIYEGHIL IGHA EBWE SIWELI ALLÉGH KKAAL: Bwulasiyool Land and Natural Resources, Dibisionul Fish and Wildlife e tipeli bwe ebwe siweli Alléghúl Non-Commercial Fish and Wildlife ikka e appasch ngáli NMIAC Tálil 85-30.1-101, Peigh 100. bwelle reel mwóghutul Administrative Procedure Act llol 1 CMC Tálil 9104(a). Pomwol allégh kkaal nge ebwe kkamalló llól seigh (30) ráálil ngáre schagh re fillóóy. 1 CMC Tálil 9105(b).

BWÁNGIL: Sów Fféérúl Allégh (Legislature) nge e ngálleey bwángil Samwoolul Land and Natural Resources ebwe akkate, fillóóy, me siweli alléghúl kkaal. bwelle reel bwangil samwool ye re ngalleey. Iigh, uruwowul me Alléghúl Endangered Species (maal kka rese ghi yoorolo) (maal ("FGES ACT:"). 2 CMC Tálil 5108.

KKAPASAL ME ÓUTOL: Pomwol ssiwel kka e appasch ebwe atoowowu bwángil Tchúlúyól mellól listaal CNMI reel endangered me threatened species (maal kka rese ghi yoorolo).

AWEEWE ME MILIKKA E TEETA: Allegh kkaal: 1. ebwe atoowowu bwángil Tchúlúyól mellól listaal CNMI reel maal kka re fili bwe rese ghi yoorolo. 2. Ebwe atotoowow tappal maal kkaal (species) faal bwangil samwool yeel sangi 2 CMC Talil 5108(e); iye e affatawow bwe ebwe akkayúúló mwo ammwelil maal kkaal me 3. atoowowu bwángil Tchúlúyól mellól listaal CNMI reel maal kka rese ghi yoorolo bweigha ebwe ghol fengál me atotoowowul species kkaal mellól listaal endangered me threatened wildlife me fóót sángi United States Fish and Wildlife iye e kkamalló wóól Maan 21, 2004. Schéschéél Alléghúl USFWS igha ebwe atoowowu Bwángil Tchúlúyól mellól federóód reel bwuley kka e endangered me threatened Wildlife, Federal Register, Volume 69, Numero. 182, 56367-56373 (Maan 21, 2004).

AFALAFAL REEL AMMWELIL ME AKKATÉÉL: Pomwol allégh kka e appasch ebwe akkatééló llól <u>Commonwealth Register</u> sángi tálil ye raa pomwoli me allégh kka e ffé ikka raa fillóóy (1 CMC Talil 9102 (a)(1)) me appaschetá igha e fisch mellól <u>civic center</u> me llól bwulasiyool gobenno kkaal mebwal llól <u>senatorial district</u> kkaal, e weewe schagh llól kkapasal Amrikkónu, Refalúwasch me Remeraalis. 1 CMC Talil 9104(a)(1).

REEL ISISILONGOL AGHIYEGH: Afanga me ngáre bwughiiló ischil mángemángúmw reel Dr. Ignacio T. Dela Cruz, Samwoolul Land and Natural Resources Attn: New Regulations 2008, sángi address ye weiláng, fax me ngáre email address, reel kkapas ye "New Regulations 2008 fengál me mááfiyómw. Aweewe kkaal nge ebwe toolong llól eliigh (30) ráálil ngáre schagh raa takkal atééw arong yeel. Ów isisilong ischil mááfiyámi, aingiingil me leetip. 1 CMC Talil 9104(a)(2).

3/2/09 Rál 3/2/09 Mwir sángi: ESTHER, \$. FLEMING Sów Alillisil Sów Lemelem

Ammwelil sángi: //mw/ 6 ESTHER M SAN NICOLAS Commonwealth Register

Sángi allégh ye 1 CMC Tálil 2153(e) (alúghúlúghúl AG reel allégh kka ebwe akkaté) me 1 CMC Tálil 9104(a)(3) (bweibwogh alúghúlúgh mereel AG) pomwol allégh kka e appasch nge raa takkal amweri fischi me aléghéléghéló mreel CNMI Sów Bwungul Allégh Lapalap me ebwe akkatééwow ammwelil. 1 CMC Tálil 2153(f) (akkatéél allégh kkaal).

Ráálil yeel 26 llól Maramal Mááilap 2009.

Gregory Baka

COMMONWEALTH REGISTER

Acting ngáli Sów Bwungul Allégh Lapalap

26 Maailap 2009

MARCH 26, 2009

Peigh 100- Malúl kka raa eghús schagh

Talil 85-30.1-101 Bwuleyil maal kka raa eghús schagh

Samwool (secretary), mwiril yaar aweewe me arúúschayil samwool (director), rebwe ayoora species (tappal maal) me subspecies (tappal iigh), wildlife, me walawal kka ese ssogholo. Bwuley kkaal nge ebwe ayoora eghús sángi listaal alongal tappal maal me ngáre leliyeer tappal maal kaal. Table 1 nge eyoor listaal tappal maal kka raa fili bwe rese yoorolo me ngáre ekke ghitighititiw llapal tappal maal kkaal.

TABLE 1

Faffayil, Scientific, me Iteer maal kka rese ghi ssogholo mellol CNMI.

COMMONWEALTH REGISTER VOLUME 31 NUMBER 3 MARCH 26, 2009 PAGE 029368

CNMI NAME	CHAMORRO NAME	CAROLINIAN NAME
BIRDS:	IVAIVIE	IVAIVIE
Micronesian Megapode	Sasangat	Sasangal
(Megapodius laperouse laperouse)		
Common Moorhen	Pulattat	Ghereel Bweel
(Gallinula chloropus)		
(G.c.guami)-Mariana		
Islands sub-species		
Guam Swiftlet	Chachaguak	Leghekiyank
(Aerodramus)		
Marianas Crow	Aga	Mwii
(Corvus Kubaryi)		
Tinian Monarch	Chichirikan Tinian	Leteighipar
(Monarcha takatsukasae)	1	
Nightingale	Ga'ga' karisu	Malul ghariisu
Reed-Warbler		
(Acrocephalus luscinia)		
Rota Bridled White-eye	Nosa	Littchogh
(z.c. rotensis)		
MAMMALS:		
Marianas Fruit Bat	Fanihi	
(Pteropus mariannus)		
Sheath -tailed Bat	Payesyes	
(Emballonura semicaudata)		
REPTILES:		
Green Sea Turtle	Haggan	
(Chelonia mydas)		
Hawsbill Turtle	Haggan Karai	
(Eretmochelys imbricata)		
Micronesian Gecko	Gaali'ek	Micronesian Gecko
(Perochiros ateles)		(Perochiros ateles)

PLANTS:		
Fire Tree	Tronkon guafi	
(Serianthes nelsonii)		
Cat's Tail or Disciplina		
(Lycopodium phlegmaria var.		
longifolium)		