



COWLITZ INDIAN TRIBE
COWLITZ TRIBAL GAMING COMMISSION

RESOLUTION No. 2021-08

TO REVISE BARRING REGULATIONS
RESCINDING AND REPLACING CTGC REGULATION 2020-01

WHEREAS, the Cowlitz Tribal Gaming Commission (hereafter referred to as the Commission) is the regulating body for Gaming on the Cowlitz Indian Reservation acting under the authority of the Tribe pursuant to the Cowlitz Gaming Ordinance 21-01; and

WHEREAS, Section 14 of the Gaming Ordinance empowers the Commission to issue such regulations and resolutions as it deems appropriate to implement the provisions of the Ordinance; and

WHEREAS, at a duly called meeting of the Cowlitz Tribal Gaming Commission on November 23, 2021, the Commission adopted revisions to the Barring Regulation;

NOW THEREFORE BE IT RESOLVED, the Commission, adopts Regulation entitled “Barring Regulations”, and hereby rescinds previous Barring Regulation.

CERTIFICATION

As Chair and Vice-Chair of the Cowlitz Gaming Commission, we hereby certify the above resolution was duly adopted at a regular meeting of the Gaming Commission on, by a vote of Four (4) in favor, and zero (0) against, and zero (0) abstentions.

Kristen Hitchcock

Kristen Hitchcock
Commission Vice-Chair

Gregg Ford

Gregg Ford
Commission Chairman



CTGC REGULATION 2021-08 BARRING REGULATIONS

Rescinding and Replacing CTGC REGULATION 2020-01

Adopted by Commission Resolution 2021-08

- 1 **INTRODUCTION.** The Cowlitz Tribal Gaming Commission (“Commission”) is an independent board of the Cowlitz Indian Tribe (“Tribe”) with comprehensive gaming regulatory responsibilities as provided in Section 14 of the Cowlitz Tribal Gaming Ordinance 15-03. Commissioners are appointed by the Cowlitz Tribal Council and charged with regulating all gaming activities on Cowlitz Indian lands, as defined in 25 U.S.C. 2703(4) (“Cowlitz Indian Lands”). The Commission and its staff are responsible for carrying out all gaming oversight responsibility of the Tribe’s gaming facilities.

- 2 **PURPOSE.** The primary responsibility for the on-site regulation, and security of the gaming operations shall be that of the Commission staff, referred to as the Tribal Gaming Agency (TGA). The Tribal Gaming Agency will take a proactive approach to protecting the physical safety of patrons, employees, and property as well as protecting them from illegal activity, including barring for cause, any individual from the premises.

- 3 **3 DEFINITIONS.**
 - 3.1 *Barring* means to prohibit a person from entering a gaming facility and/or its amenities, including restaurants, meeting and entertainment center, hotel, and parking structures. The duration of a barring may be permanent or temporary. Temporary barrings vary in length depending on the circumstances. Willful disregard of a barring notice may result in charges of

criminal trespass and forfeiture of winnings, complimentary gifts, and/or unredeemed chips and credits.

- 3.2 *Licensee* means any individual or entity licensed by the Commission.
- 3.3 *Patron* means a customer, visitor, or guest of the gaming facility and/or its amenities, including restaurants, meeting and entertainment center, hotel, and parking structures.
- 3.4 *Self-Barring* means a process for a person to voluntarily exclude themselves from gambling at all gambling facilities licensed by the Commission. The length of a Self-Barring may be for terms of one year, five year or lifetime, depending on the choice of the individual requesting the self bar. Self-barred individuals who return to the gaming facility may be subject to criminal trespass charges as well as forfeiture of winnings, complimentary gifts, and/or unredeemed chips and credits. *Those patrons who do not chose lifetime barring may, upon expiration of their selected period of self-barring, request removal of the self-barring through the process described in Section 8 of this regulation. Patrons who self-barred prior to adoption of resolution 2021-01 and who have been self-barred for at least one year may also apply for removal of their barring.*

4 AUTHORITY.

- 4.1 The Director, Deputy Director, Enforcement Manager, or authorized TGA designee, shall have the authority to permanently exclude (hereafter referred to as “bar”) any person from a gaming facility, if such person causes or has caused a serious or repeated disturbance, acts or has acted inappropriately, has been involved in cheating, or in any other way interferes with or has interfered with the orderly conduct of ordinary business within the gaming facility.
- 4.2 The Director and Deputy Director have the authority to bar suspended or revoked licensees for a period up to one year. When circumstances warrant, the period may be extended or renewed upon completion of a secondary review.
- 4.3 For reasons stated in Section 4.1, TGA Supervisors, Leads, and Agents shall have the authority to issue temporarily barring for a period up to 7 days pending an investigation. Upon conclusion of the investigation the TGA

Supervisor will make a recommendation to TGA management on whether the barring should be extended.

- 4.4 When a Self-Barring is requested, TGA Agents and above will have the authority to Bar the patron for 1-year, 5-year, or lifetime, as requested by the patron.

Patrons may request to extend their Self-Barring.

- 4.5 TGA will regularly notify the gaming operations of changes to its barring list. Operations will be responsible for ensuring barred individuals have their player account deactivated, are removed from promotional invitations and/or placed on no-service watch lists.

5 SEIZURE AND FORFEITURE

- 5.1 Any person who willfully or knowingly violates the conditions of a duly authorized barring notice may be subject to seizure and forfeiture of winnings, complimentary gifts, and / or unredeemed chips and credits.

- 5.2 All seizures will be identified as such by TGA and held in escrow by the casino until such time as the Commission authorizes and designates its release.

- 5.2.1 An involuntarily barred patron has 30 days from date of seizure to file an appeal, as described in Section 7 of this regulation. Non-appealed seizures will automatically be forfeited once the appeal period has lapsed.

- 5.3 All forfeitures will be donated to a charitable or non-profit organization according to the following guidelines:

- 5.3.1 Programs earmarked to receive forfeiture funds from Self-Barred patrons will be chosen by the Commission on a case-by-case basis.

- 5.3.2 Forfeitures stemming from involuntarily barred patrons will be designated to ilani's charitable program for disbursement, unless specifically and otherwise designated.

6 RIGHT TO APPEAL

- 6.1 Involuntary Bar Right to Appeal. If the barring is involuntary and exceeds three months in duration, the barred individual shall have the right to appeal, provided the appeal is filed within 30 days of barring service.

- 6.3 Tribal Member Exception. On a case-by-case basis, TGA may allow barred individuals who are Cowlitz Tribal Members to return to the gaming facility for events directly related to Cowlitz tribal politics, culture, or education. Barred tribal

members who wish to attend such an event must first obtain written permission from TGA management. Permission must be requested at least 72 hours in advance of when the tribal member intends to visit the gaming facility.

Permission may be granted as long as the barred tribal member:

- Is an enrolled Cowlitz tribal member in good standing
- Does not present a risk to public health or safety
- Agrees not to engage in any disruptive or inappropriate activity
- Agrees not to participate in, observe, or assist others in any gambling activities
- Agrees not to directly or indirectly participate in any promotional activities
- Agrees not to step on or loiter near the gaming floor
- Agrees not to patronize any gaming facility amenities not directly associated with the event being attended
- Agrees to leave the gaming facility promptly after the conclusion of the event

Failure to abide by these conditions may result in immediate removal and prohibition from attending future tribal events at the gaming facility.

7 [APPEAL PROCESS](#)

7.1 The involuntarily barred individual must file an appeal in writing or by phone within 30 days of barring service, notification, or forfeiture.

7.2 TGA will process a hearing packet and compile all relevant information related to the barring or forfeiture.

7.3 The Commission will hold a hearing where the case is reviewed.

7.4 Within ten (10) days of the hearing, the Commission will decide by consensus to uphold, modify, or reverse the terms of the original barring or forfeiture.

7.5 The Commission will return the bar appeal packet to TGA for processing.

8 SELF-BAR REINSTATEMENT PROCESS

8.1 Self-barrred patrons who choose 1- or 5-year barring periods may request reinstatement upon completion of the period of self-barring.

8.1.1 Those patrons who permanently self-barrred prior to adoption of this regulation and who have served at least one year may also request reinstatement

8.2 To be considered, patrons meeting the above criteria must submit a completed application for reinstatement to the Tribal Gaming Agency for review and determination.

8.3 Incomplete applications will be rejected.

8.4 Upon receipt of a completed application for reinstatement, the Tribal Gaming Agency will review the application and determine eligibility for reinstatement based on criteria established by the Commission and TGA management in consultation with Cowlitz Tribal Treatment

8.5 The patron will be notified in writing of TGA's decision

8.6 Denied applications may be appealed to the Cowlitz Tribal Gaming Commission

8.7 Patrons whose applications or appeals for re-instatement have been denied may re-apply after 1 year.