



COWLITZ INDIAN TRIBE
TRIBAL GAMING COMMISSION
P.O. Box 489, Ridgefield, WA (360) 727-3825

COWLITZ TRIBAL GAMING COMMISSION
8-25-17
RESOLUTION 2017-107

TO AMEND AND ADOPT COMMISSION PATRON DISPUTE REGULATION DATED APRIL 19, 2017

WHEREAS, the Cowlitz Gaming 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 15-03; and


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

WHEREAS, The Gaming Commission has identified a need to amend Patron Dispute Regulation 2017-102 governing dispute resolution requirements for casino patrons.


NOW THEREFOR BE IT RESOLVED, by the Cowlitz Gaming Commission that the following amendment is hereby adopted: Partons may be allowed to present evidence. The Gaming Commission shall hold a hearing within 60 days of receipt of patron's request for a hearing, patron may have counsel present at such hearing. Hearings can be conducted via audio or audio/video conference at the discretion of the Presiding Officer. Recordings of any hearing are for Gaming Commission use and shall not be disseminated outside the Cowlitz Gaming Commission. Recordings shall be retained for a minimum of 60 and a maximum of 180 days following a hearing.

CERTIFICATION

As Secretary of the Cowlitz Gaming Commission, I hereby certify the above resolution was duly adopted at a regular meeting of the Gaming Commission on August 23, 2017, by a vote of Five (5) for, and zero (0) against, and zero (0) abstentions.



Kristen Hitchcock
Commission Secretary



Jerry Iyall
Commission Chairperson



COWLITZ TRIBAL GAMING COMMISSION/TRIBAL GAMING AGENCY
PATRON DISPUTE REGULATON 2017-107
08-25-17

Adopted by Commission Resolution 2017-107

SECTION I. GENERAL PROVISIONS

A. Introduction.

The Cowlitz Tribal Gaming Commission (“**Commission**”) is an independent agency 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 on Cowlitz Indian lands, as defined in 25 U.S.C. 2703(4) (“**Cowlitz Indian Lands**”). Commission staff are responsible for carrying out all gaming oversight responsibility, including but not limited to twenty-four (24) hour coverage of the Cowlitz Tribal Casino(s) operated by the Cowlitz Tribal Gaming Authority and Salishan-Mohegan LLC.

Purpose

The primary responsibility for the on-site regulation, control and security of the gaming operations shall be that of the Tribal Gaming Agency (TGA). The TGA shall enforce in the gaming operation all relevant laws, ensure the physical safety of patrons in the establishment, ensure the physical safety of personnel employed by the establishment, protect the patrons and the establishment’s property from illegal activity, and temporarily detain, to the extent of its authority, persons who may be involved in illegal acts for the purpose of notifying the law enforcement authorities. In accordance with the Tribal-State Compact 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 the barring of patrons, casino employees and Commission employees upon termination.

B. Definitions.

1. **Presiding Officer** – The Commission Chairperson or his/her Commissioner designee.
2. **Petitioner** means the Tribal Gaming Agency (TGA) Director or designee.
3. **Patron** means any other visitor to the gaming facility.

C. Authority

Management Contract Section 9.27

CIT Gaming Ordinance Section 14(J)

CIT Tribal/State Compact Section VII(D)1 and E (1)

Disputes between the gaming public and the Tribe or management official shall be resolved as follows:

- a. The complaining member of the gaming public shall first have an opportunity to present his/her grievance, verbally or in writing, to the general manager of Ilani Casino(s) or person designated by the general manager to resolve grievances with members of the gaming public. TGA will investigate disputes when requested by operations, patrons, or the Washington State Gambling Commission (WSGC).
Operations Notifying TGA
 - i. TGA shall gather all relevant information regarding the dispute to come to an unbiased conclusion based upon the facts available.
- b. State Notifying TGA
 - i. An Agent from the Washington State Gambling Commission, assigned to the Tribal Gaming Unit, will contact management with the TGA in regards to patron dispute. Management may assign investigative duties to an Enforcement Supervisor, TLS Manager or Agent regarding the complaint.
 - ii. The Agent shall gather all relevant information regarding the dispute to come to an unbiased conclusion based upon the facts available.
- c. Patron Notifying TGA.
 - i. The Agent will gather all information from the patron.
 - ii. The Agent will investigate the dispute to come to an unbiased conclusion based upon the facts available.
 - iii. The investigation will be documented by creating an incident file.

D. Reporting

- a. Once the investigation has been concluded the Incident File shall be reviewed and approved by TGA Supervisors. In a timely manner, TGA will respond by certified mail, with return receipt requested, to the patron and via email to operations of TGAs conclusion.

If the grievance is not resolved under Section C(a) patrons who have complaints against the gaming establishment, a gaming employee, or a management contractor shall have as their sole remedy the right to file a petition for relief with the Tribal Gaming Commission. Complaints shall be submitted in writing, and at the discretion of the Commission, the patron may be allowed to present evidence. The Gaming Commission shall hold a hearing within 60 days of receipt of patron's complaint. **Patron may have counsel present at such hearing. The Commission shall render a decision in a timely fashion and all such decisions will be final when issued. Any patron** complaint must be submitted to the Commission within (30) days of the incident giving rise to the complaint. The Commission's decision shall constitute the complainant's final remedy.

E. Appeal Process

- a. The patron complainant will have as their sole remedy the right to appeal the Commission to hear a complaint.
- b. The Tribal Gaming Agency will process a complaint packet and compile all relevant information regarding the complaint for the Commissioners.
- c. The Tribal Gaming Operation will be contacted and may be present at the Commission meeting as a witness.
- d. The Commission will hold a hearing where the case is reviewed.
- e. The Commission will vote if the appeal is granted or not.

F. Conduct of Hearings

The hearing before the Commission will proceed as follows:

1. Opening comments and questions.
 - a. Presiding Officer
 - b. Petitioner
 - c. Patron
 - d. Quorum of Commissioners
2. Case Presentation
 - a. Petitioner
 - b. Patron
3. Rebuttals
 - a. Petitioner
 - b. Patron
4. Commission/Hearing Officer's Questions
5. Closing Argument
 - a. Petitioner
 - b. Patron
6. Hearing can be conducted via audio or audio/video conference at the discretion of the Presiding Officer. Recordings of any hearing are for Gaming Commission use and shall not be disseminated outside the Cowlitz Tribal Gaming Commission. Recordings shall be retained for a minimum of 60 days and a maximum of 180 days following a hearing.

G. Evidence

The Commission shall consider evidence that it finds relevant and material to the hearing, giving the evidence such weight as is appropriate. The Commission may limit testimony to exclude evidence that would be immaterial or unduly repetitive. Upon request before the hearing, the Commission in its discretion may permit the introduction of additional previously undisclosed evidence.

H. Failure to Testify

If a party fails to testify in their own behalf or asserts a claim of privilege in response to any question, the Commission may infer that such testimony or answer would have been adverse to the Patron's case. Patron may rebut such inference with an explanation based on a legitimate legally binding reason.

I. Continuances

Continuances will not be granted except for good cause shown.

J. Default

Failure of a Patron to appear personally at the hearing, unless otherwise excused by the Commission, shall constitute agreement of all matters and facts. A judgement by default shall be rendered against an unexcused Patron and the Commission may take action regarding the complaint without further notice to the Patron.

K. Decision of the Commission (CIT Gaming Ordinance Section 39)

Within 10 days of the conclusion of the hearing the Commission may;

1. Uphold the complaint
2. Suspend the complaint.
3. Within 10 days TGA shall notify the Patron and Operations of the disposition either verbally or in writing. TGA will follow up with Operations and document the final disposition.