

CHAPTER 12

EXCLUSION OF PERSONS

SECTION 1 DUTY TO EXCLUDE

- A. No person placed on an exclusion list by the Gaming Commission or the Mississippi Gaming Commission shall be permitted entry into any portion of the licensed premises. When a person is placed on the exclusion list by either Commission, such person shall be prohibited from contact of any kind with any establishment licensed by the Gaming Commission unless and until a determination is made by the Gaming Commission or a court of competent jurisdiction to the contrary. It shall be the duty of the gaming operator and of its employees to exclude or eject from the licensed premises any excluded person when such gaming operator or employee knows or reasonably should know of the presence of such excluded person. It shall further be the duty of the gaming operator to inform the Gaming Commission in writing of the names of any person such gaming operator reasonably believes meets the criteria for placement on an exclusion list.

SECTION 2 DISTRIBUTION AND AVAILABILITY OF EXCLUSION LISTS

- A. The Gaming Commission shall maintain a list of persons to be ejected or excluded from the licensed premises. The list shall be distributed to each gaming operator which shall acknowledge receipt of the list in writing. The list shall be distributed to the Choctaw Law Enforcement and the Mississippi Gaming Commission.

- B. The following information, to the extent known, shall be provided for each excluded person:
 - 1. The full name and date of birth and all aliases;
 - 2. A physical description;
 - 3. The effective date the person's name was placed on the list;
 - 4. A photograph, if available;
 - 5. The person's occupation and his current home and business address;
 - 6. The stated reason for exclusion; and
 - 7. Such other information as deemed necessary by the Commission.

SECTION 3 CRITERIA FOR PROHIBITED ENTRY OR EJECTION AND PLACEMENT ON AN EXCLUSION LIST

- A. The Gaming Commission may place a person on the exclusion list pending a hearing if such a person has:
1. Been convicted of a felony in any jurisdiction, of any crime of moral turpitude or of a crime involving gaming;
 2. Violated or conspired to violate the provisions of Title XV of the Choctaw Tribal Code or any rules and regulations promulgated thereunder, the Indian Gaming Regulatory Act of 1988 *et. seq.*, or the Tribal-State Compact, relating to involvement in gaming without required licenses, or willful evasion of fees or taxes;
 3. A notorious or unsavory reputation which would adversely affect public confidence and trust in gaming;
 4. Their name appears on any valid and current exclusion list from another jurisdiction in the United States;
 5. The Gaming Commission has been provided verifiable facts that the gaming activities of the individual are adversely affecting the individual and/or his or her family; or
 6. For other such reasons as the Gaming Commission may determine, but only on good cause shown.

SECTION 4 PROCEDURE FOR ENTRY OF NAMES: PETITION FOR REMOVAL FROM EXCLUSION LIST

- A. Upon a determination by the Gaming Commission that a person comes under any one of the criteria listed in this Section, such person may be placed on the exclusion list. Such excluded person shall be notified of the availability of a hearing by the Gaming Commission.
- B. If the Commission or a subsequent tribal court of review finds in favor of the excluded person, then their name shall be removed from the exclusion list and their exclusion shall be terminated as of the date of the action by the Gaming Commission or the court. The Gaming Commission shall provide prompt written notification to the Mississippi Gaming Commission of the action to terminate the exclusion. This notification shall also include the reason for the reinstatement action.
- C. If the Gaming Commission hearing finds reason to keep a person on the exclusion list after a hearing, the appellant may not petition for a re-hearing or removal from the list for a minimum period of one year from the date of placement on the exclusion list.
- D. Any person who has been placed on any exclusion list may petition the Gaming Commission in writing and request that their name be removed from the list. Petitions shall be filed no later than thirty (30) days following the day such person's name is placed on the exclusion list.