

CHAPTER 13

ENFORCEMENT

SECTION 1 INSPECTION BY THE GAMING COMMISSION, THE MISSISSIPPI GAMING COMMISSION, AND THE NATIONAL INDIAN GAMING COMMISSION

- A. The Gaming Commission shall have the right to conduct or cause to be conducted announced or unannounced inspections of all gaming operations at any time to ensure compliance with Title XV of the Choctaw Tribal Code, the Tribal-State Compact, Choctaw Gaming Commission regulations, the Indian Gaming Regulatory Act of 1988, *et. seq.*, and all other applicable Tribal and federal laws and regulations, as amended from time to time.
- B. Agents of the Mississippi Gaming Commission or their designated representatives, upon the presentation of appropriate identification to the on-site Gaming Commission official, shall also have the right to gain access, without notice during normal business hours, to all premises used for the operation of Class III gaming or the storage of Class III gaming equipment related thereto, and may inspect all casino premises, equipment, or equipment maintenance records, in order to verify compliance with the provision of the Tribal-State Compact. Inspections made pursuant to this Section shall not be conducted in a manner which disrupts normal business operations. At the completion of any inspection by the Mississippi Gaming Commission, copies of any resulting investigative or inspection report shall be promptly sent to the Gaming Commission
- C. Upon presentation of proper identification, an authorized representative of the National Indian Gaming Commission may enter the premises of an Indian gaming operation to inspect, examine, photocopy and audit all papers, books and records (including computer records) concerning:
 - 1. Gross revenues of Class II gaming conducted on Indian lands; and
 - 2. Any other matters necessary to carry out the duties of the Gaming Commission under the Indian Gaming Regulatory Act of 1988, *et. seq.*

SECTION 2 INVESTIGATORY AUTHORITY OF THE GAMING COMMISSION

- A. The Gaming Commission may conduct investigations for the purpose of ensuring compliance with the provisions of the Tribal-State Compact, Title XV of the Choctaw Tribal Code, Choctaw Gaming Commission regulations, and the Indian Gaming Regulatory Act of 1988, *et. seq.*, or other applicable federal law and any regulations promulgated thereunder. As part of the Commission's investigatory authority, a Gaming Commission inspector shall make inspections of the gaming operation on a daily basis, and shall have immediate access to any and all areas of the licensed premises. Any violation(s) of the provisions of Title XV of the Choctaw Tribal Code, the Tribal-State Compact, Choctaw Gaming Commission regulations, the Indian Gaming Regulatory Act of 1988, *et. seq.*, or other applicable federal law or regulations promulgated thereunder by a management contractor, a gaming employee, or any person on the licensed premises whether or not associated with the Tribal gaming operation shall be reported immediately to the Gaming Commission, or reported in a manner so directed by the Gaming Commission.

As a part of any investigation the Gaming Commission conducts pursuant to this Section, the Commission may, in its discretion, convene investigatory hearings to take testimony and request production of documents. Any gaming operator, permit holder or licensee shall be required to cooperate by providing such testimony or producing documents upon request. The Commission, in its discretion, will determine the scope of such investigatory hearings and the procedures to be used in such hearings. The Gaming Commission may forward copies of all completed investigation reports and final dispositions to the Mississippi Gaming Commission.

- B. When its investigations of gaming indicate a violation of federal or tribal laws or regulations, the Gaming Commission may provide such information to appropriate law enforcement officials. It is recognized that theft from gaming establishments on Indian land and theft by officers or employees of such gaming establishments are punishable by substantial fines and imprisonment pursuant to 25 U.S.C. Sections 1167 and 1168.

**SECTION 3 ACCESS TO PREMISES AND PRODUCTION OF RECORDS:
RECORD OF ENFORCEMENT ACTIONS**

- A. No applicant or any person licensed, permitted or approved by the Choctaw Gaming Commission shall neglect or refuse to produce records or evidence or to give information upon proper and lawful demand by any Gaming Commission member or designated representative or agent thereof, or shall otherwise, interfere or attempt to interfere with any proper and lawful efforts by the Gaming Commission, or any agent or designated representative thereof, to obtain such information.
- B. Each gaming operator, licensed manufacturer, and licensed distributor or seller shall immediately make available for inspection by any Gaming Commission member, any agent, or authorized representative thereof, all papers, books and records (including computer records) produced by any gaming business and all portions of the licensed premises or any premises where gambling devices or equipment are manufactured, sold or distributed.
- C. The Gaming Commission may require any person licensed, permitted, or approved by the Gaming Commission to appear and testify before them or their agents with regard to any matter within their jurisdiction. Such testimony shall be under oath and may embrace any matter which the Gaming Commission or their agents deem relevant to the discharge of their official duties. Any person required to appear and testify shall have the right to be represented by counsel. Any testimony so taken may be used by the Gaming Commission as evidence in any proceeding or matter then before it or which may later come before the Gaming Commission. Failure to appear and testify fully at the time and place designated, unless excused, shall constitute a substantial violation.
- D. The gaming operator shall maintain copies of all enforcement actions taken against the gaming operator, noting the final disposition in each case. Such records shall be made available to the Gaming Commission and the National Indian Gaming Commission upon request.