

## ROLL CALL MATRIX

Meeting Date: 10-16-2016

| P | A | Res. Number<br>2016 | 239 | 240 | 241 | 242 | 243 | 244 | 245 | 246 | 247 | 248 | 249 |
|---|---|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
|   |   | Unanimous           |     | U   |     |     | U   | U   |     |     | U   | U   | U   |
| X |   | Michael McKerchie   | Y   |     | Y   |     | Y   |     | Y   | Y   |     |     |     |
| X |   | Kim Gravelle        | Y   |     | Y   |     | Y   |     | Y   | Y   |     |     |     |
| X |   | Denny McKelvie      | N   |     | Y   | 2   | Y   |     | 2Y  | N   |     |     | 2   |
| X |   | DJ Hoffman          | N   |     | Y   |     | 2Y  |     | N   | 1Y  |     | 2   |     |
| X |   | Jennifer McLeod     | Y   | 1   | 2Y  |     | Y   |     | Y   | Y   |     |     |     |
| X |   | Lana Causley        | Y   |     | Y   | N   | 1Y  |     | N   | Y   |     |     | 1   |
| X |   | Cath Hollowell      | Y   |     | Y   | N   | Y   |     | N   | Y   |     |     |     |
| X |   | Bridgett Sorenson   | Y   |     | 1Y  |     | Y   | 1   | 1Y  | Y   |     | 2   |     |
| X |   | Keith Massaway      | 2Y  | 2   | Y   | 1   | Y   |     | Y   | N   | 2   |     |     |
| X |   | Denise Chase        | 1Y  |     | Y   |     | Y   | 2   | N   | Y   |     |     |     |
| X |   | Darcy Morrow        | Y   |     | N   |     | Y   |     | N   | 2Y  | 1   |     |     |
| X |   | Anita Nelson        | Y   |     | Y   |     | Y   |     | Y   | N   |     |     |     |
| X |   | Aaron Payment       |     |     |     |     |     |     |     |     |     |     |     |

- 1 = Made Motion
- Y = Voted Yes
- A = Abstained

- 2 = Second/Support Motion
- N = Voted No
- U = Unanimous



RESOLUTION NO: 2016-239

**ACFS – NATIVE EMPLOYMENT WORKS  
FY 2017 BUDGET MODIFICATION**

**Min Waban Dan  
Administrative  
Office**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2017 budget modification to Native Employment Works for an increase in Tribal Support of \$64,897.00. This budget modification reflects an increase to direct services.

523 Ashmun Street

Sault Ste. Marie

Michigan

49783

**Phone**

906.635.6050

**Fax**

906.635.4969

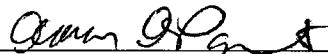
**Government  
Services**


**Membership  
Services**

**Economic  
Development  
Commission**

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 18 day of October 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 2 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
\_\_\_\_\_  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2016-240

**WIOA WORK EXPERIENCE AND WIOA ON THE JOB TRAINING  
FY 2017 BUDGET MODIFICATIONS**

**Min Waban Dan**

**Administrative  
Office**

523 Ashmun Street

Sault Ste. Marie

Michigan

49783

**Phone**

906.635.6050

**Fax**

906.635.4969

**Government  
Services**


**Membership  
Services**

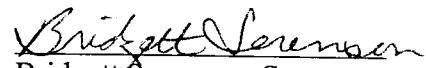
**Economic  
Development  
Commission**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2017 budget modifications to WIOA Work Experience and WIOA on the Job Training for changes in the personnel sheet, the reallocation of expenses, and an increase in Federal Department of Labor monies \$23,589.63. No effect on Tribal Support.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 18 day of October 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 12 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2016-241

**GOVERNMENT CAPITAL PURCHASES  
BIG BEAR ARENA – ROOF  
FY 2016 BUDGET MODIFICATION**

**Min Waban Dan**

**Administrative  
Office**

523 Ashmun Street

Sault Ste. Marie

Michigan

49783

**Phone**

906.635.6050

**Fax**

906.635.4969

**Government  
Services**


**Membership  
Services**

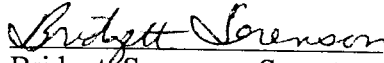
**Economic  
Development  
Commission**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2016 budget modification to the Governmental Capital Purchases Budget for \$233,250.00 to be covered by Other Revenue/Fund Balance is approved. No effect on Tribal Support.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 18 day of October 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 1 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
\_\_\_\_\_  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2016-242

**INLAND FISH AND WILDLIFE  
FY 2016 BUDGET MODIFICATION**

**Min Waban Dan**

**Administrative  
Office**

523 Ashmun Street

Sault Ste. Marie

Michigan

49783

**Phone**

906.635.6050

**Fax**

906.635.4969

**Government  
Services**

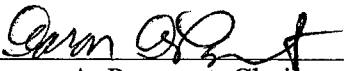
**Membership  
Services**

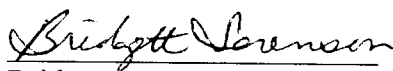
**Economic  
Development  
Commission**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2016 budget modification to Inland Fish and Wildlife for changes in the personnel sheet, the reallocation of expenses, and a decrease in Federal BIA monies \$1,227,000. No effect on Tribal Support.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 18 day of October 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 2 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
\_\_\_\_\_  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2016-243

**TRIBAL COURT  
ALCOHOL AND SUBSTANCE ABUSE PROGRAM  
ESTABLISH FY 2017 BUDGET**

**Min Waban Dan**

**Administrative  
Office**

523 Ashmun Street

Sault Ste. Marie

Michigan

49783

**Phone**

906.635.6050

**Fax**

906.635.4969

**Government  
Services**


**Membership  
Services**

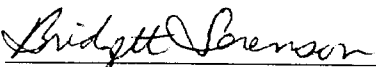
**Economic  
Development  
Commission**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2017 budget for Alcohol and Substance Abuse Program with Federal DOJ Revenue monies of \$125,002.53. No effect on Tribal Support.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 18 day of October 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 12 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
\_\_\_\_\_  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2016-244

**PARTNERSHIPS TO IMPROVE COMMUNITY HEALTH  
ADULT HEALTH SURVEY FOR THE SAULT TRIBE PARTNERSHIPS  
TO IMPROVE COMMUNITY HEALTH GRANT PROJECT**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians has affirmed the commitment to eliminate health disparities and promote the health of Tribal members; and

**Min Waban Dan**

**Administrative  
Office**

523 Ashmun Street

Sault Ste. Marie

Michigan

49783

**Phone**

906.635.6050

**Fax**

906.635.4969

**Government  
Services**

**Membership  
Services**

**Economic  
Development  
Commission**

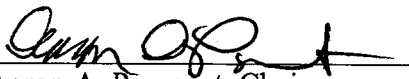
Whereas, the U.S. Department of Health and Human Services Centers for Disease Control and Prevention requires evaluation of the Sault Tribe's Partnership to Improve Community Health Grant to support our intervention efforts and demonstrate outcomes for this grant project.

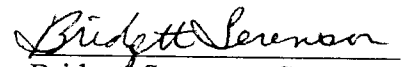
NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Health Division's Community Health Program to conduct a Partnership to Improve Community Health Grant Surveillance Study by mail to randomly selected Tribal households in the 7 county service area, using labels generated from Tribal Enrollment or by electronic data base shared by Tribal Enrollment with Michigan Public Health Institute, with the mailing to be completed by ASAP Printing, Inc.

BE IT FURTHER RESOLVED, that the MIS and Enrollment Departments are authorized and directed to cooperate with the Health Division in generating the database, lists, and labels for this project.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 18 day of October 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 12 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2016-245

**TRIBAL ATTORNEY  
FY 2016 BUDGET MODIFICATION**

**Min Waban Dan**

**Administrative  
Office**

523 Ashmun Street

Sault Ste. Marie

Michigan

49783

**Phone**

906.635.6050

**Fax**

906.635.4969

**Government  
Services**

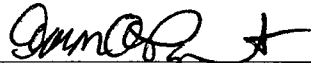
**Membership  
Services**

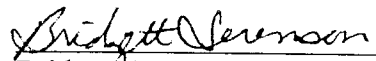
**Economic  
Development  
Commission**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2016 budget modification to Tribal Attorney for changes in the personnel sheet. No effect on Tribal Support.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 18 day of October 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 7 members for, 5 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
\_\_\_\_\_  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians





RESOLUTION NO: 2016-246

**AUTHORITATION TO HIRE ECONOMIC DEVELOPMENT DIRECTOR  
AND  
FY 2016 BUDGET MODIFICATION**

**Min Waban Dan  
Administrative  
Office**

BE IT RESOLVED, the Tribal Chairperson is hereby authorized to negotiate and enter into a key employee contract with the individual recommended by the committee to serve as Economic Development Director of the Sault Ste. Marie Tribe of Chippewa Indians on the terms described in the attached.

523 Ashmun Street

Sault Ste. Marie

Michigan

49783

**Phone**

906.635.6050

**Fax**

906.635.4969

**Government  
Services**


**Membership  
Services**


**Economic  
Development  
Commission**

BE IT FURTHER RESOLVED, that the Board of Directors hereby approves the FY 2016 budget modification to EDC Budget Cost Center 1155, for changes in the attached personnel sheet. No effect on Tribal Support.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 18 day of October 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 9 members for, 3 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
\_\_\_\_\_  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2016-247

**AMENDING TRIBAL CODE CHAPTER 42: GAMING ORDINANCE  
SUBJECT TO NIGC REVIEW AND APPROVAL**

WHEREAS, the Tribe has adopted Chapter 42: Gaming Ordinance which has been duly reviewed and approved by the National Indian Gaming Commission (NIGC); and

WHEREAS, the Board of Directors wishes to make minor technical revisions to that Ordinance to assure that it continues to be in full compliance with all currently applicable NIGC regulations.


NOW, THEREFORE, BE IT RESOLVED, that, subject to the review and approval of the NIGC under 25 CFR §522.3, the Board of Directors hereby adopts and approves the following new or amended sections of Chapter 42: Gaming Ordinance as set forth in the attached document:

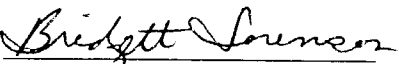
- Section 42.224 Net Revenue
- Section 42.413 Applications and Investigations
- Section 42.425 Patron Dispute Resolution
- Section 42.508 Granting of a License
- Section 42.512 Reports to NIGC; Processing of Applications
- Section 42.515 Suspension or Revocation of License
- Section 42.702 Independent Audit
- Section 42.810 Agent for Service of Process

BE IT FURTHER RESOLVED, that the Chairperson is authorized and directed to submit this resolution together with the proposed amendments to the NIGC for review and approval pursuant to 25 CFR §522.3.

**C E R T I F I C A T I O N**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 18 day of October 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 12 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians

**Min Waban Dan**

**Administrative  
Office**

523 Ashmun Street

Sault Ste. Marie

Michigan

49783

**Phone**

906.635.6050

**Fax**

906.635.4969

**Government  
Services**

**Membership  
Services**

**Economic  
Development  
Commission**

## TRIBAL CODE, CHAPTER 42: GAMING ORDINANCE

### PROPOSED NEW AND REVISED SECTIONS

#### **42.224 Net Revenue.**

"Net Revenue" means gross gaming revenues of an Indian gaming operation less:

- (1) amounts paid out as, or paid for, prizes; and
- (2) total gaming-related operating expenses, including all those expenses of the gaming operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, exclusive of management fees.

#### **42.413 Applications and Investigations.**

- (1) The following notice shall be placed on the Tribe's license application form for a key employee, primary management official, or gaming consultant before it is filled out by the applicant:

*In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. §§ 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the tribal gaming regulatory authorities and by the NIGC members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC to appropriate federal, tribal, state, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal, or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the NIGC in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in the Tribe being unable to license you for a primary management official or key employee position.*

*The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.*

*A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).*

(2) The Director shall conduct a background investigation on each primary management official, key employee or gaming consultant sufficient to make a licensing determination under section 42.505.

(3) The Director shall investigate the qualifications of each applicant under this Chapter before any license is issued or any approval of acts or transactions for which Director or Commission approval is required or permission granted, and shall continue to observe the conduct of all licensees and other persons having a material involvement directly or indirectly with a licensed gaming establishment to ensure that licenses are not issued to or held by, nor is there any material involvement directly or indirectly with a licensed gaming operation by, unqualified, disqualified or unsuitable persons, or persons whose operations are conducted in an unsuitable manner.

(4) The Director shall obtain from each primary management official, key employee, and gaming consultant all of the following information:

(a) Full name, other names used (oral or written), social security number, birth date, place of birth, citizenship, gender, and all languages spoken and/or written;

(b) Currently, and for the previous five (5) years, business and employment positions held, ownership interests in those businesses, business and residential addresses, and driver's license numbers;

(c) The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph (4)(b) of this section;

(d) Current business and residential telephone numbers, and all cell phone numbers;

(e) A description of any existing and previous business relationships with other tribes, including any ownership interests in the businesses;

(f) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in the businesses;

(g) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

(h) For each felony for which there is an ongoing prosecution or conviction, the charge, the name and address of the court involved, and the date of disposition, if any;

(i) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the

application, the name and address of the court involved, and the date of disposition, if any;

(j) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application, and is not otherwise listed pursuant to paragraphs (4)(h) and (i) of this section, the criminal charge, the name and address of the court involved, and the date of disposition, if any;

(k) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

(l) A photograph;

(m) Any other information the Tribe deems relevant; and

(n) Fingerprints obtained in accordance with procedures adopted by the Tribe pursuant to 25 C.F.R. § 522.2(h).

#### **42.425 Patron Dispute Resolution.**

Patrons with complaints against a Licensed Gaming Establishment shall have as their sole remedy the right to file a complaint with the Commission as follows.

(1) A complaint shall be submitted in writing to the Director within thirty days of the incident that gave rise to the complaint.

(2) Within three business days of receipt of the complaint, the Commission shall notify casino management of the complaint.

(3) Within five business days after the subsection (2) notice, the Director or the Director's designee, the gaming manager in whose facility the underlying incident occurred, and the chief executive officer shall develop a proposed remedy and shall provide the complainant with written notice of that proposed remedy by first class mail. Complainant shall then have thirty days from the date of that notice to respond in writing either accepting the proposed remedy or electing to request a hearing under subsection (4). If the thirty day time frame expires and complainant has not made a written response under this subsection, the complainant forfeits all rights in connection with that complaint.

(4) If complainant is not satisfied with the proposed remedy, the complainant may make a written request for a hearing in front of the Commission. The hearing shall occur no later than sixty days following the request. The complainant may have counsel present at the hearing. The complainant may be allowed to present evidence,

at the discretion of the Commission. After the hearing, the Commission shall render a decision in a timely fashion. All such decisions shall be final when issued and shall constitute the complainant's final remedy.

(5) Nothing contained herein shall be construed to be a waiver of immunity under Tribal Code Chapter 44: Waiver of Tribal Immunities and Jurisdictions in Commercial Transactions.

(6) The Director shall promulgate procedures to effectuate this section.

#### **42.508 Granting of License.**

(1) Subject to appeal to the Commission as provided in Subchapter IV, all licenses shall be issued by the Director.

(2) No license shall be issued to a person whose license has previously been revoked pursuant to this Chapter, or to whom the issuance or renewal of a license has been denied, except with the unanimous approval of the Commission members.

(3) Before a license is issued to a primary management official, key employee, or gaming consultant, the Gaming Commission shall take the applicant's fingerprints and shall conduct a background investigation including a check of criminal history records information maintained by each state in which the applicant has lived or worked as well as criminal history records information maintained by the Federal Bureau of Investigation and shall create an investigative report which shall make a finding concerning the eligibility of that person for receiving a gaming license by reviewing the applicant's prior activities, criminal record, if any, and reputation, habits and associations. The investigative report shall include all of the following:

- (a) Steps taken in conducting the background investigation;
- (b) Results obtained;
- (c) Conclusions reached;
- (d) The basis for those conclusions.

(4) If the Director, in applying the standards adopted in this ordinance, determines that licensing that person poses a threat to the public interest or the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods, and/or activities in the conduct of gaming, he or she shall not license that person in a primary management official, key employee, or gaming consultant position.

(5) Copies of the eligibility determination and the investigative report shall be included with the notice of results that must be submitted to the NIGC before the licensing of a primary management official, or key employee.

(6) In conducting a background investigation, the Gaming Commission shall keep confidential the identity of each person interviewed in the course of the investigation.

#### **42.512 Reports to NIGC; Processing of Applications.**

(1) Before issuing a license to a primary management official or key employee, the Director shall prepare a notice of results of the applicant's background investigation to submit to the NIGC. The notice of results must be submitted to the NIGC no later than 60 days after the applicant begins working for the Tribe.

(2) The notice of results shall include the following information:

(a) The applicant's name, date of birth, and social security number;

(b) The date on which the applicant began, or will begin, working as a primary management official or key employee;

(c) A summary of the information presented in the investigative report, including:

(i) Licenses that have previously been denied;

(ii) Gaming licenses that have been revoked, even if subsequently reinstated;

(iii) every known criminal charge brought against the applicant within the last ten (10) years of the date of the application; and

(iv) every felony offense of which the applicant has been convicted or any ongoing prosecution; and

(d) A copy of the eligibility determination made in accordance with Section 402.508.

(3) The Director may license a primary management official or key employee applicant after submitting an investigative report and a notice of results of the applicant's background investigation to the NIGC .

(4) The Director shall notify the NIGC of the issuance of a license to a primary management official of key employee within 30 days of issuance

(5) The Tribe shall not employ an individual as a primary management official or key employee who does not have a license after ninety (90) days of beginning work at a gaming operation.

(6) The Director shall reconsider a license application for a primary management official or key employee if he or she receives a statement of itemized objections to issuing such a license from the NIGC, and those objections are received within thirty (30) days of the NIGC receiving a notice of results of the applicant's background investigation. The Director shall take the NIGC's objections into account when reconsidering the application. The Director may refer the matter to the Commission for reconsideration. The Director or the Commission shall make the final decision whether to issue a license to the applicant.

(7) If the Director or Commission does not license an applicant for a primary management official or key employee position, the Director shall notify NIGC of that action and forward copies of its eligibility determination and notice of results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals record System.

#### **42.515 Suspension or Revocation of License.**

(1) If, after issuance of a license, the Director receives reliable information that a person licensed under this Chapter has violated or been charged with a violation of any criminal law, any provision of this Chapter or regulation promulgated under this Chapter, or is otherwise not eligible for a license, the Director shall conduct an investigation to determine whether revocation proceedings should be initiated.

(2) The person's license shall be suspended and a revocation hearing shall be initiated if:

(a) the person has been convicted of or pled guilty or no contest to any criminal offense; or

(b) the person has been charged with a criminal offense related to gambling, fraud or activities arising during the course of employment.

(3) The person's license shall be immediately suspended and a revocation hearing shall be initiated if the information came to the Director by notification from the NIGC that a primary management official or key employee is not eligible for licensing;

(4) In all other cases, the Director may suspend the person's license pending completion of the investigation if circumstances warrant. The Director shall notify the licensee in writing of any suspension.



(5) In any case governed by sub. (2) and in other cases if the Director determines that circumstances warrant, the Director shall notify the licensee of a proposed revocation of the license. The notice shall include the time and place for a hearing on the proposed revocation before the Commission.

(6) At the hearing, the burden shall be on the licensee to establish continued eligibility for a license. After the hearing, the Commission shall make one of the following dispositions:

(a) revoke the license;

(b) reinstate the license; or

(c) reinstate the license with conditions or limitations.

(7) The decision of the Commission is final. The Commission may revoke a license regardless of whether:

(a) the licensee has been disciplined or discharged by the licensed gaming establishment;

(b) criminal or civil remedial forfeiture proceedings have been initiated; or

(c) if criminal charges were brought, they resulted in a conviction or acquittal.

(8) The Tribe shall notify the NIGC of its decision to revoke or reinstate a license within 45 days of receiving notification from the NIGC that a primary management official or key employee is not eligible for licensing.

(9) The Gaming Commission shall retain, for no less than three (3) years from the date a primary management official, key employee, or gaming consultant is terminated for employment with the Tribe, the following documentation:

(a) Application for licensing;

(b) Investigative Report; and

(c) Eligibility Determination.

#### **42.702 Independent Audit.**

(1) Every licensed gaming establishment shall be audited by independent certified public accountants. Such audit must include an opinion that the financial statement fairly and accurately presents the financial condition of the gaming operation in

accordance with generally accepted accounting principles. The audit report must be provided to the Board of Directors, and shall be submitted to the NIGC.

(2) All gaming-related contracts that result in the purchase of supplies, services or concessions for more than \$25,000 in any year (except contracts for professional legal and accounting services) shall be specifically included within the scope of the audit conducted under subsection (1) of this section.

**42.810 Agent for Service of Process.**

The Tribe designates the Executive Director of the Gaming Commission as the agent for service of any official determination, order, or notice of violation.



RESOLUTION NO: 2016-248

AMENDING TRIBAL CODE:  
CHAPTER 71

**Min Waban Dan**

**Administrative  
Office**

523 Ashmun Street

Sault Ste. Marie

Michigan

49783

**Phone**

906.635.6050

**Fax**

906.635.4969

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby amends Chapter 71 consistent with the modifications, remunerations, and additions reflected in the attached code, effective immediately.


**CERTIFICATION**

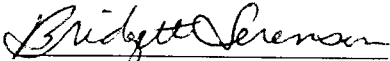
We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 18 day of October 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 12 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

**Government  
Services**

**Membership  
Services**

**Economic  
Development  
Commission**

  
\_\_\_\_\_  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
\_\_\_\_\_  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians

### **71.201 General Provisions.**

(1) For the purpose of this Chapter, certain terms are defined in this subchapter.

(2) The definitions provided in Tribal Code '71.202 apply unless subchapters include specific and contrary definitions. Any specific definitions within a subchapter are superior to the general definitions listed in Tribal Code '71.202 and shall govern the definition of the word for that subchapter.

(3) When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, words in the plural number include the singular number, and words in the masculine gender include the feminine gender.

(4) The word "shall" is always mandatory and not merely directory.

(5) The definitions set forth in Tribal Code '70.102 shall apply to this Chapter as well.

### **71.202 Definitions.**

(1) "Child" or "minor child" means a person 17 years of age or younger.

(2) "Course of Conduct" means a pattern of conduct composed of a series of two or more separate non continuous acts evidencing a continuity of purpose.

(3) "Credible threat" means a threat, verbal or nonverbal, that would cause a reasonable person to fear for his safety or the safety of a household member, including a spouse, former spouse, family member, present or former household member or co-parent of a child.

(4) "Developmental disability" means an impairment of general intellectual functioning or adaptive behavior which meets all of the following criteria:

(a) It originated before the person became 18 years of age.

(b) It has continued since its origination or can be expected to continue indefinitely.

(c) It constitutes a substantial burden to the impaired person's ability to perform in society.

(d) It is attributable to 1 or more of the following:

(i) Mental retardation, cerebral palsy, epilepsy, or autism.

(ii) Any other condition of a person found to be closely related to mental retardation because it produces a similar impairment or requires treatment and services similar to those required for a person who is mentally retarded.

(5) "Emergency" means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential.

(6) "Emergency situation" means a situation in which both of the following apply:

(a) Human health, life or safety is in jeopardy and the prompt summoning of aid is essential.

(b) It is reasonable to believe that a domestic abuse offense pursuant to section 71.1404 is being, has been or is about to be committed.

(7) "Emotional Distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

(8) "Family member" means a spouse, a parent, a child or a person related by consanguinity to another person.

(9) "Firearm" means any gun, revolver, pistol, shotgun, or other weapon which discharges a projectile by explosive force.

(10) "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose. Harassing behavior can include but is not limited to vandalism, annoying or threatening telephone calls, following or other violations of protection orders, sending unwanted letters, electronic mail, electronic forms of communication, sending messages through third parties, showing up at victim's home or workplace, attempting to obtain private information about the victim through others, leaving gifts for the victim, disabling or otherwise tampering with the victim's vehicle, taking mail from the victim's mailbox, entering the victim's home or place of residence, parking near or driving by the victim's residence or workplace for no legitimate reason.

(11) "Household member" means a person currently or formerly residing in a place of abode with another person.

(12) "Indian" means any person who is:

(a) a member of the Tribe; or

(b) any other person who would be subject to the jurisdiction of the United States as an Indian under 18 U.S.C. '1153 if that person were to commit an offense listed in that section in Indian country to which that section applies.

(13) "Intimate parts" includes the primary genital area, groin, inner thigh, buttock, or breast of a human being.

(14) "Knife" means any dagger, dirk, knife, sword, spear, or stiletto with a blade over three and one-half (3 1/2) inches in length, or any other instrument capable of inflicting cutting, stabbing or tearing wounds, but it does not include a hunting or fishing knife carried for sport or other lawful use.

(15) "Knowingly" means

(a) if the element involves the nature of the person's conduct or the attendant circumstances, the person is aware that the conduct is of that nature or that such circumstances exist; and

(b) if the element involves a result of the conduct, the person is aware that it is practically certain that the conduct will cause such a result.

(16) "Litter" means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substance of every kind and description.

(17) "Mental health professional" means that term as defined in section 100b of the mental health code of the State of Michigan, 1974 PA 258, MCL 330.1100b.

(18) "Mental illness" means a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

(19) "Mentally disabled" means that a person has a mental illness, is mentally retarded, or has a developmental disability.

(20) "Mentally incapable" means that a person suffers from a mental disease or defect that renders that person temporarily or permanently incapable of appraising the nature of his or her conduct.

(21) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or other substance administered to that person without his or her consent, or due to any other act committed upon that person without his or her consent.

(22) "Mentally retarded" means significantly subaverage general intellectual functioning that originates during the developmental period and is associated with impairment in adaptive behavior.

(23) "Negligently" means a manner in which when the person should be aware of a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that the person's failure to perceive it, considering the nature and purpose of the person's conduct and the circumstances known to the person, involves a gross deviation from the standard of care that a reasonably prudent person would observe in the actor's situation.

(24) "Overt act" means an open, manifest act from which criminality may be implied.

(25) "Personal injury" means bodily injury, disfigurement, mental anguish, chronic pain, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.

(26) "Physically helpless" means that a person is unconscious, asleep, or for any other reason is physically unable to communicate unwillingness to an act.

(27) "Purposely or intentionally" means:

(a) if the element involves the nature of the person's conduct or a result thereof, it is the person's conscious object to engage in the conduct of that nature or to cause such a result; and

(b) if the element involves the attendant circumstances, the person is aware of the existence of such circumstances or the person believes or hopes that they exist.

(28) "Prescription medication" means a drug, chemical, compound, or treatment that must be dispensed by a licensed pharmacist and is not otherwise available over-the-counter within the United States.

(29) "Recklessly" means the person consciously disregards a substantial and unjustifiable risk that the material element exists or will result from the conduct. The risk must be of such a nature and degree that, considering the nature and purpose of the person's conduct and the circumstances known to the person, its disregard involves a gross deviation of the standard of conduct that a law-abiding person would observe in the actor's situation.

(30) "Riot" means a public disturbance involving an assemblage of three (3) or more persons which by tumultuous and violent conduct creates substantial danger of damage or injury to property or persons or substantially obstructs the performance of any lawful governmental function.

(31) "Sell" includes any form of remuneration, trade, or compensation.

(32) "Sexual contact" includes the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for:

- (a) revenge; or
- (b) to inflict humiliation; or
- (c) out of anger.

(33) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required.

(34) "Substantial step" means any conduct, whether act, omission or possession which is corroborative of the actor's intent to commit the other offense.

(35) "Telecommunications" and "telecommunications service" mean any service lawfully provided for a charge or compensation to facilitate the origination, transmission, retransmission, emission, or reception of signs, data, images, signals, writings, sounds, or other intelligence or equivalence of intelligence of any nature over any telecommunications system by any method, including, but not limited to, electronic, electromagnetic, magnetic, optical, photo-optical, digital, or analog technologies.

(36) "Telecommunication device" means any of the following:

- (a) Any instrument, device, card, plate, code, telephone number, account number, personal identification number, electronic serial number, mobile identification number, counterfeit number, or financial transaction device as defined in MCL

750.157m that alone or with another device can acquire, transmit, intercept, provide, receive, use, or otherwise facilitate the use, acquisition, interception, provision, reception, and transmission of any telecommunications service.

(b) Any type of instrument, device, machine, equipment, technology, or software that facilitates telecommunications or which is capable of transmitting, acquiring, intercepting, decrypting, or receiving any telephonic, electronic, data, internet access, audio, video, microwave, or radio transmissions, signals, telecommunications, or services, including the receipt, acquisition, interception, transmission, retransmission, or decryption of all telecommunications, transmissions, signals, or services provided by or through any cable television, fiber optic, telephone, satellite, microwave, data transmission, radio, internet based or wireless distribution network, system, or facility, or any part, accessory, or component, including any computer circuit, security module, smart card, software, computer chip, pager, cellular telephone, personal communications device, transponder, receiver, modem, electronic mechanism or other component, accessory, or part of any other device that is capable of facilitating the interception, transmission, retransmission, decryption, acquisition, or reception of any telecommunications, transmissions, signals, or services.

(37) "Tribe" (or "tribal") means (or refers to) the Sault Ste. Marie Tribe of Chippewa Indians.

(38) "Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following: i) Following or appearing within the sight of that individual. ii) Approaching or confronting that individual in a public place or on private property. iii) Appearing at that individual's workplace or residence. iv) Entering onto or remaining on property owned, leased, or occupied by that individual. v) Contacting that individual by telephone. vi) Sending mail or electronic communications to that individual. vii) Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.

(39) "Weapon" means a firearm, knife, or any of the following: any dart, blow-gun, air or pellet gun, non-safety razor, blackjack, billy club, sand club, sand bag, any handoperated striking weapon consisting at the striking end of an encased heavy substance or at the handle end a strap or springy shaft which increases the force of the impact, any device designed for propelling by release of gas or a spring pressure, any device designed to discharge chemicals as an offensive or defensive weapon, a bomb or any other explosive or incendiary device or Molotov cocktail, brass knuckles or other device intended to be worn on the hand or other part of the body for infliction of injury to another person, stun gun, shocking device or any other device used to inflict bodily injury.

#### **71.704 Aggravated Assault or Battery.**

(1) Offense. A person commits the crime of Aggravated Assault or Battery if the person:

(a) Commits an assault or battery and causes "serious injury." Serious injury includes any injury for which medical attention is or should be sought.

(b) Commits an assault or battery which causes physical injury, however slight, and the



assault or battery is committed in the immediate presence of, or is seen by, or directly perceived by, a minor child who is a family member or household member of either the victim or the assailant.

(c) Causing physical injury, however slight, and commits the assault or battery knowing that the victim is pregnant.

(d) Intentionally, knowingly or recklessly causes serious physical injury to another while operating a motor vehicle under the influence of intoxicants.

(e) Being at least 17 years of age, intentionally or knowingly causes physical injury to a child 10 years of age or younger.

(3) Sentence. A person convicted of Aggravated Assault or Battery may be sentenced to imprisonment for a period up to nine (9) months or a fine not to exceed Four Thousand Dollars (\$4,000.00), or both.

#### **71.707 Stalking.**

(1) Presumption. In a prosecution for a violation of this section evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, gives rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(2) Offense. A person commits the crime of Stalking if the person engages in a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(3) Sentence. A person convicted of Stalking may be sentenced to imprisonment for a period of up to six (6) months, or a Twenty-Five Hundred Dollars (\$2,500.00) fine, or both.

#### **71.711 Assault with Intent to Do Great Bodily Harm.**

(1) Offense. A person commits the crime of assault with intent to do great bodily harm if the person:

(a) Assaults another person with intent to do great bodily harm, less than the crime of Homicide .

(b) Assaults another person by strangulation or suffocation. Strangulation or suffocation means intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person.

(2) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same conduct as the violation of this section.

(3) Proof of actual injury is not necessary but may be taken into consideration in deciding whether someone intended to cause great bodily harm.

(4) Sentence. A person convicted of Assault with Intent to do Great Bodily Harm may be sentenced to imprisonment for a period not to exceed one (1) year or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

**71.712 Assault with Intent to Commit Criminal Sexual Conduct.**

(1) Offense. A person is guilty of Assault with Intent to Commit Criminal Sexual Conduct if they commit an assault with the intent to commit any criminal offenses contained in Subchapter 18: Sex Crimes.

(2) Sentence: A person convicted of Assault with Intent to Commit Criminal Sexual Conduct may be sentenced to imprisonment for a period of up to one (1) year or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both. The offender shall be registered as a sex offender.

**71.713 Malicious Use of Telecommunications.**

(1) Offense. A person commits the crime of malicious use of telecommunications if he or she uses any telecommunications service or device to, or with intent to, terrorize, frighten, intimidate, threaten, harass, molest, or annoy another person, or to disturb the peace and quiet of another person by any of the following:

(a) Threatening physical harm or damage to any person or property in the course of a conversation or message through the use of a telecommunications service or device.

(b) Falsely and deliberately reporting by message through the use of a telecommunications service or device that a person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime or an accident.

(c) Deliberately refusing or failing to disengage a connection between a telecommunications device and another telecommunications device or between a telecommunications device and other equipment provided for the transmission of messages through the use of a telecommunications service or device.

(d) Using vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act in the course of a conversation or message through the use of a telecommunications service or device.

(e) Repeatedly initiating a telephone call and, without speaking, deliberately hanging up or breaking the telephone connection as or after the telephone call is answered.

(f) Deliberately engaging or causing to engage the use of a telecommunications service or device of another person in a repetitive manner that causes interruption in telecommunications service or prevents the person from utilizing his or her telecommunications service or device.

(2) Sentence. A person convicted of Malicious Use of Telecommunications may be sentenced to imprisonment for a period of up to six (6) months, or a Five Hundred Dollar (\$500.00) fine, or both. violation of Malicious Use of Telecommunications is a misdemeanor offense punishable by up to 6 months in custody and up to a \$500.00 fine.

#### **71.714 Aggravated Stalking.**

(1) Presumption. In a prosecution for a violation of this section evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, gives rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(2) Offense. A person commits an Aggravated Stalking if the person engages in stalking behavior and any of the following circumstances exist:

(a) At least one of the actions constituting the offense is in violation of a personal protection order and the individual has received actual notice of that order.

(b) At least one of the actions constituting the offense is in violation of a condition of probation, a condition of parole, a condition of pretrial release, or a condition of release on bond pending appeal.

(c) The course of conduct includes the making of one or more credible threats against the victim, a member of the victim's family, or another individual living in the same household as the victim.

(d) The individual has been previously convicted of a violation of Stalking or Aggravated Stalking.

(3) Sentence. A person convicted of Stalking may be sentenced to imprisonment for a period of up to one (1) year, or a Five Thousand Dollars (\$5,000.00) fine, or both.

#### **71.1404 Domestic Abuse.**

(1) Definitions. Family or Household Member includes:

(a) The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or have resided in the same household.

(b) The victim and the defendant have a child in common.

(c) The victim is pregnant by the other party.

(d) The victim is related to the defendant or the defendant's spouse by blood, marriage or court order as a parent, grandparent, child, grandchild, brother or sister.

(e) The victim is a child who resides or has resided in the same household as defendant and is related by blood to a former spouse of the defendant or to a person who resides in the same household as the defendant.

(f) The relationship between the victim and the defendant is currently or was previously an intimate relationship.

(g) The victim and defendant are in or have been in a dating relationship.

(h) Persons who are part of the extended family of the victim or abuser and who commonly interact with the victim or abuser.

(i) Persons who have a biological, legal, or step parent-child relationship.

(j) Minor children either biological, legal, or step of a person in a relationship that is described in (a)-(i) above.

(2) Offense. Domestic Abuse is one or more of the following acts by a family or household member:

(a) Attempting to cause or causing physical, substantial emotional, or mental harm to another family or household member.

(b) Placing a family or household member in fear of physical harm to him or herself or another family or household member. This fear may be produced by behavior which induces fear in the victim, including, but not limited to, harassment, stalking, destruction of property, or physical harm or threat of harm to household pets.

(c) Causing a family or household member to engage involuntarily in sexual activity, which includes, but not limited to, through coercion, intoxication, force, however slight (which includes the element of surprise or overcoming victim by size), threat of force, or duress.

(3) Sentence. A person convicted of Domestic Abuse may be sentenced to imprisonment for a period of up to one (1) year or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

#### **71.1406 Custodial Interference.**

(1) Offense. A person commits the crime of Custodial Interference if, knowing or having reason to know that he has no legal right to do so, he takes, entices, or keeps a person from his lawful custodian with intent to hold him permanently or for a protracted period or in violation of a lawful custody or visitation order.

(2) It is a complete defense under this section if a parent proves that his or her actions were taken for the purpose of protecting the child from an immediate and actual threat of physical or mental harm, abuse, or neglect.

(3) Sentence. A person convicted of Custodial Interference may be sentenced to a period of imprisonment of up to one (1) year or a fine not to exceed One Thousand Dollars (\$1,000.00), or both.

**71.1605 Misuse of Prescription Medication.**

(1) Offense. A person commits the offense of misuse of prescription medication if he or she knowingly or intentionally:

(a) Sells, offers to sell, or possesses with the intent to sell, a prescription medication, unless acting under the direct supervision of a licensed pharmacist;

(b) Dispenses or gives away to a minor child a prescription medication unless acting under the direct supervision of a licensed pharmacist; or

(c) Obtains prescription medication through any means utilizing fraud, deception, deceit, or theft.

(2) Sentence. A person convicted of Misuse of Prescription Medication may be sentenced to imprisonment for a period of up to one (1) year or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

**71.1809 Sexual Exploitation.**

(1) A person commits the crime of sexual exploitation if s/he causes another to be exposed to explicit sexual acts, photographs, movies, or any other media, or takes sexually explicit photographs or videos or uses any other media to document same of another, and the victim

(a) is 17 years old or younger;

(b) is unaware of the photograph or videos (other medium used) being taken; or

(c) suffers from a mental disease or defect, which renders him or her incapable of appraising the nature of his or her conduct.

(2) Sentence. A person convicted of Sexual Exploitation may be sentenced to imprisonment for a period of up to one (1) year or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both. The offender must be registered as a sex offender.

**71.1810 Accosting, Enticing or Soliciting a Child for Immoral Purpose.**

(1) A person commits the crime of accosting, enticing or soliciting a child for immoral purpose if s/he accosts, entices, or solicits a child less than 16 years of age, regardless of whether the person knows the individual is a child or knows the actual age of the child, or an individual whom he or she believes is a child less than 16 years of age with the intent to induce or force that child or individual to commit an immoral act, to submit to an act of sexual contact or an act of gross indecency, or to any other act of depravity or delinquency, or who encourages a child less than 16 years of age, regardless of whether the person knows the individual is a child or knows the actual age of the child, or an individual whom he or she believes is a child less than 16 years of age to engage in any of those acts.

(2) Sentence. A person convicted of Accosting, Enticing or Soliciting a Child for Immoral Purpose may be sentenced to imprisonment for a period of up to one (1) year or a fine not to exceed

Five Thousand Dollars (\$5,000.00), or both. is a misdemeanor offense punishable by up to 1 year in custody and up to a \$5000.00 fine. The offender must be registered as a sex offender..

**71.1811 Child Sexually Abusive Material Or Activity.**

(1) Definitions:

(a) "Child sexually abusive activity" means a child engaging in a listed sexual act.

(b) "Child sexually abusive material" means any depiction, whether made or produced by electronic, mechanical, or other means, including a developed or undeveloped photograph, picture, film, slide, video, electronic visual image, computer diskette, computer or computer-generated image, or picture, or sound recording which is of a child or appears to include a child engaging in a listed sexual act; a book, magazine, computer, computer storage device, or other visual or print or printable medium containing such a photograph, picture, film, slide, video, electronic visual image, computer, or computer-generated image, or picture, or sound recording; or any reproduction, copy, or print of such a photograph, picture, film, slide, video, electronic visual image, book, magazine, computer, or computer-generated image, or picture, other visual or print or printable medium, or sound recording.

(c) "Erotic fondling" means touching a person's clothed or unclothed genitals, pubic area, buttocks, or, if the person is female, breasts, or if the person is a child, the developing or undeveloped breast area, for the purpose of real or simulated overt sexual gratification or stimulation of 1 or more of the persons involved. Erotic fondling does not include physical contact, even if affectionate, that is not for the purpose of real or simulated overt sexual gratification or stimulation of 1 or more of the persons involved.

(d) "Erotic nudity" means the lascivious exhibition of the genital, pubic, or rectal area of any person and, if female, any part of the breast. As used in this subdivision, "lascivious" means wanton, lewd, and lustful and tending to produce voluptuous or lewd emotions.

(e) "Listed sexual act" means sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, passive sexual involvement, sexual excitement, or erotic nudity.

(f) "Masturbation" means the real or simulated touching, rubbing, or otherwise stimulating of a person's own clothed or unclothed genitals, pubic area, buttocks, or, if the person is female, breasts, or if the person is a child, the developing or undeveloped breast area, either by manual manipulation or self-induced or with an artificial instrument, for the purpose of real or simulated overt sexual gratification or arousal of the person.

(g) "Passive sexual involvement" means an act, real or simulated, that exposes another person to or draws another person's attention to an act of sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, sexual excitement, or erotic nudity because of viewing any of these acts or because of the proximity of the act to that person, for the purpose of real or simulated overt sexual gratification or stimulation of 1 or more of the persons involved.

(h) "Sadomasochistic abuse" means either of the following:

(i) Flagellation or torture, real or simulated, for the purpose of real or simulated

sexual stimulation or gratification, by or upon a person.

(ii) The condition, real or simulated, of being fettered, bound, or otherwise physically restrained for sexual stimulation or gratification of a person.

(iii) "Sexual excitement" means the condition, real or simulated, of human male or female genitals in a state of real or simulated overt sexual stimulation or arousal.

(i) "Sexual intercourse" means intercourse, real or simulated, whether genital-genital, oral genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between a human and an animal, or with an artificial genital.

(2) A person commits the offense of Child Sexually Abusive Material of Activity if:

(a) he persuades, induces, entices, coerces, causes, or knowingly allows a child to engage in a child sexually abusive activity for the purpose of producing any child sexually abusive material, or arranges for, produces, makes, copies, reproduces, or finances, or attempts or prepares or conspires to arrange for, produce, make, copy, reproduce, or finance any child sexually abusive activity or child sexually abusive material for personal, distributional, or other purposes, if that person knows, has reason to know, or should reasonably be expected to know that the child is a child or that the child sexually abusive material includes a child or that the depiction constituting the child sexually abusive material appears to include a child, or that person has not taken reasonable precautions to determine the age of the child;

(b) he distributes or promotes, or finances the distribution or promotion of, or receives for the purpose of distributing or promoting, or conspires, attempts, or prepares to distribute, receive, finance, or promote any child sexually abusive material or child sexually abusive activity, if that person knows, has reason to know, or should reasonably be expected to know that the child is a child or that the child sexually abusive material includes a child or that the depiction constituting the child sexually abusive material appears to include a child, or that person has not taken reasonable precautions to determine the age of the child; or

(c) he knowingly possesses or knowingly seeks and accesses any child sexually abusive material if that person knows, has reason to know, or should reasonably be expected to know the child is a child or that the child sexually abusive material includes a child or that the depiction constituting the child sexually abusive material appears to include a child, or that person has not taken reasonable precautions to determine the age of the child.

(3) This subsection does not apply to attorneys, law enforcement, probation, health care providers, counselors, social workers, judicial officers acting in the scope of their employment or a party or a witness in a criminal or civil proceeding acting within the scope of that proceeding.

(4) Sentence. A person convicted of Child Sexual Abusive Activity or Material may be sentenced to imprisonment for a period of up to one (1) year or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both. The offender must be registered as a sex offender.



RESOLUTION NO: 2016-249

**COMPLAINT RESOLUTION POLICIES**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.C. 467 et seq; and

WHEREAS, the Board of Directors has previously approved Complaint Resolution policies for Governmental, Enterprise and Casino Team Member Manuals.

WHEREAS, the specific modifications to the Complaint Resolution sections of the Governmental, Enterprise and Casino Team Member Manuals are as attached page 1.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors enacts the proposed revisions to the Governmental, Enterprise and Casino Complaint Resolution policies as attached on page 1 beginning on October 18, 2016.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 18 day of October 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 12 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

Bridgett Sorenson  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians

**Min Waban Dan**

**Administrative Office**

523 Ashmun Street

Sault Ste. Marie  
Michigan

49783

**Phone**

906.635.6050

**Fax**

906.635.4969

**Government Services**

**Membership Services**

**Economic Development Commission**



## COMPLAINT RESOLUTION POLICY

I. Purpose: The Company recognizes that at times problems and complaints may arise in the workplace. The complaint resolution policy gives team members a way to resolve complaints and grievances through the chain of command.

II. Scope: The complaint resolution policy applies to all team members who have completed an applicable introductory period. Team Members in their introductory period may file complaints concerning harassment, sexual harassment, retaliation and workplace violence.

This policy does not apply to team members who have been terminated (See Appeal Policy).

### III. Policy:

#### A. Definitions:

— Grievances: Concerns regarding disciplinary type actions such as team member warnings.

— Complaints: Concerns, issues, or differences other than team member warnings.

— B. Complaints and grievances shall be resolved by the chain of command utilizing the complaint resolution process. If the chain of command cannot come to an agreeable and equitable solution, the complaint may be forwarded to a Grievance Board.

— C. In resolving workplace complaints and grievances, it is recognized that certain items are final and cannot be resolved through the complaint resolution process. Such items include, but are not limited to rates of pay and performance appraisals. Human Resources shall make the final determination on whether or not an item can be grieved through the complaint resolution process and whether an issue can be forwarded to a Grievance Board or must be final after a thorough review by the chain of command through the division director/general manager level

— D. Though you are not able to grieve certain items through the complaint resolution process, you are encouraged to contact the Human Resource Department in order to discuss any issues that you have regarding such items.

— E. The company will not tolerate any supervisor, manager or team member engaging in any form of retaliation against any team member, supervisor, or manager who uses this procedure or participates in the complaint resolution process. (See Retaliation Policy)

IV. Legislative History: Resolution No. 2016-XXX, October 2016