



## REGULATIONS CONCERNING POKER ROOMS

These Regulations were enacted by the Kahnawá:ke Gaming Commission on 03 Kenténha/October, 2007 and amended on 21 Onerahtokha/April, 2010 pursuant to Section 24 of the *Kahnawá:ke Gaming Law*.

*Preamble* 1. The Commission, in order to maintain order, fairness and high standards in and for gaming activities operating within the Mohawk Territory of Kahnawá:ke (the “Territory”), have determined that it is necessary to licence and regulate poker rooms within the Territory, and hereby enacts as follows.

*Jurisdiction* 2. The Commission may, subject to the provisions of the *Kahnawá:ke Gaming Law* (the “Law”) and the provisions of these Regulations, issue a licence (a “Poker Room Licence”) to a person or persons, authorizing the operation of a poker room within the Territory. These Regulations apply to all poker rooms and card rooms operating within the Territory.

3. These Regulations may serve as a basis for the harmonization of regulatory schemes concerning poker rooms and card rooms in other jurisdictions and for co-operation and mutual assistance between the Commission and other regulatory bodies. However, these Regulations are not dependent on the ratification or approval of any other jurisdiction or regulatory body.

*Purpose* 4. The purposes of these Regulations are:

- (a) to provide a lawful basis for the licensing, regulation and control of poker rooms located within the Territory as a means of promoting and preserving economic development, self-sufficiency and peace, order and good government within the Territory;
- (b) to ensure that poker rooms are operated responsibly, fairly, honestly and in the best interests of Kahnawá:kero:non and all other affected parties;
- (c) to ensure that adequate safeguards are established and enforced to prevent poker rooms from being associated in any way with crime or criminality or be associated with any person, association, group or organization that would taint the good character, honesty and integrity of the poker room industry in Kahnawá:ke;

- (d) to ensure that the operators of poker rooms treat players fairly and honestly; and
- (e) to protect persons under the age of eighteen (18) years and other vulnerable persons from being harmed or exploited by poker rooms.

*Prohibition* 5. Except as permitted by these Regulations, the operation of a poker room or card room within the Territory is prohibited.

*Definitions* 6. The definitions provided in the Law have the same meaning in these Regulations.

7. For the purposes of these Regulations:

“applicant” means any person who on his or her own behalf or on behalf of another has applied for a Poker Room Licence, a temporary Poker Room Licence, a Key Employee Licence or a Dealer Permit, including a renewal application;

“application” includes an application to the Commission for a Poker Room Licence, a temporary Poker Room Licence, a Key Employee Licence or a Dealer Permit, including a renewal application;

“appropriate resources” means financial resources:

- (a) adequate, in the Commission’s opinion, to ensure the financial viability and stability of operations conducted under a Poker Room Licence; and
- (b) demonstrably available from a source that is not, in the Commission’s opinion, contrary to any law applicable within the Territory;

“approved rules of play” means the rules of play that must be followed for approved games, as set out in Schedule “B” of these Regulations;

“approved game” means a game set out in Schedule “A” of these Regulations and, for greater certainty, includes tournaments;

“card room” means premises located within the Territory that are open to the public and offer tables, cards, chips and related equipment for the purpose of conducting card games other than approved games , in which wagers are placed by participants;

“Dealer Permit” means a permit issued by the Commission in accordance with these Regulations authorizing the holder to be employed with a poker room as a house-dealer;

"dishonest act" includes fraud, misrepresentation, theft and any other act or omission which the Commission deems to be a dishonest act;

"house-dealer" means a person who is employed by a poker room to deal the cards to the players at the same table, to distribute and collect chips and to perform related duties;

"imprest bank" means an area on a poker table in which a predetermined dollar amount of chips, tokens, or cash are kept by the Poker Room Licence holder;

"Kahnawá:kero:non" means a person identified as a Mohawk and a member of the community of Kahnawá:ke pursuant to the Kahnawá:ke Membership Law, as it may be amended from time to time;

"Kahnawá:ke social clubs" means the following social clubs that have been approved by the community of Kahnawá:ke:

- (a) Royal Canadian Legion;
- (b) Knights of Columbus Hall;
- (c) Moose Lodge;
- (d) Kahnawá:ke Marina,

and any other social club that may be approved by the community of Kahnawá:ke in the future.

"key employee" means any natural person employed in the operation of a poker room in a supervisory capacity or empowered to make discretionary decisions that regulate gaming operations and any other natural person designated as a key employee by the Commission for reasons consistent with the policies of these Regulations;

"Key Employee License" means a license issued by the Commission in accordance with these Regulations authorizing the holder to be associated with a poker room as a key employee;

"licence" includes a Poker Room Licence, temporary Poker Room Licence, Key Employee Licence and Dealer Permit;

"material change" means a change that affects an applicant or Poker Room Licence holder, including but not limited to:

- (a) the appointment of a new director;

- (b) the addition of a new shareholder with ten percent (10%) or more ownership of or controlling interest in the applicant or Poker Room Licence holder;
- (c) the addition, termination or change in functions of a key employee;
- (d) a change or addition to the premises in which the poker room is situated or a change to any equipment used in the operation of the poker room that affects, or may affect, the outcomes of an approved game, or
- (e) a change to the contact information previously provided to the Commission;

“person” includes any natural person, corporation, association, partnership, limited liability company, trust and any other business entity or association recognized under the laws applicable within the Territory;

“player” means a person who has attained the full age of eighteen (18) years and who participates in an approved game conducted within a poker room;

“player-dealer” means a position in an approved game, as defined by the approved rules of play for that game, in which seated player participants are afforded the temporary opportunity to deal the cards to the players at the same table, provided that this position is rotated amongst the other seated players in the game;

“player banked” means a game in which players with winning hands are awarded all or part of a pot which consists of pooled antes, blinds, and wagers made by players playing in the hand. In a player banked game, the bankroll of the Poker Room Licence holder is not at risk and is not used to pay winning wagers. The Poker Room Licence holder will maintain only an imprest bank at the table;

“poker room” means premises located within the Territory that are open to the public and offer tables, cards, chips and related equipment for the purpose of conducting the game of poker, in which wagers are placed by participants but does not include private premises in which the game of poker is played by participants that are personally known to the owner of the premises and there is no rake taken or other fee charged to participants;

“Poker Room Licence” means a license issued by the Commission in accordance with these Regulations, authorizing the holder to operate a poker room;

“Poker Room Licence holder” means a person to whom the Commission has

issued a Poker Room Licence;

“rake” means the amount taken from the pot by the Poker Room Licence holder in accordance with these Regulations;

“record” means all records directly or indirectly related to the operation of a poker room, including but not limited to incident reports and any other record the Commission may direct be kept by a Poker Room Licence holder;

“Regulations” means these Regulations concerning poker rooms, including the Schedules;

“tables” means the physical tables around which players are seated when playing approved games in a poker room, and includes tables that provide electronic, digital or mechanical means for playing an approved game;

“Territory” means the Mohawk Territory of Kahnawá:ke;

“wager” means a bet, or the act of betting, for money or a token representing a sum of money.

- Kahnawá:ke Social Clubs* 8. For greater certainty, a Kahnawá:ke social club that intends to operate a poker room is required to apply for and hold a Poker Room Licence and is subject to all provisions of these Regulations.
- Poker room premises* 9. The Commission will only issue a Poker Room Licence for premises that:
- (a) are wholly situated within the Mohawk Territory of Kahnawá:ke;
  - (b) have been inspected and approved in accordance with all fire, safety and, if appropriate, health standards applicable within the Territory,
  - (c) are covered by an all risk, third party liability insurance policy in the amount of not less than Two Million (\$2,000,000.00) Dollars, the terms of which are satisfactory to the Commission and
  - (d) are in a building, or part of a building, designed for commercial purposes; not a private residence.
- Prohibition* 10. Under no circumstances will any lands or buildings within the Territory be mortgaged or otherwise used as security for the purpose of playing in a poker room. Any transaction in contravention of this provision is void. Any Poker Room Licence holder that permits a transaction in contravention of this provision is subject to fines as provided in these Regulations and/or to the suspension or revocation of his or her Poker Room Licence.

11. A Poker Room Licence holder must ensure that no activities take place within, near or in relation to the poker room that are in breach of these Regulations or of any other law applicable within the Territory.
- Approved games*
12. A Poker Room Licence holder is permitted to conduct the games that are listed in Schedule "A" to these Regulations ("approved games").
13. All approved games under these Regulations must be player banked games.
14. Approved games may be played with either a house-dealer or a player-dealer. House-dealers must be licensed in accordance with these Regulations.
- Poker Room Licence Applications*
15. An application for a Poker Room Licence must be submitted to the Commission in the form attached as Schedule "C" to these Regulations.
16. To be considered by the Commission, an application for a Poker Room Licence must contain all of the information requested in the form attached as Schedule "C" and be accompanied by:
- (a) if applicable, a Business Entity Information Form attached as Schedule "D" to these Regulations;
  - (b) Personal Information Forms attached as Schedule "E" to these Regulations for each director, shareholder with ten (10%) per cent or more ownership of or controlling interest in the applicant, partner and Chief Executive Officer of the applicant;
  - (c) a completed Key Employee Licence application, attached as Schedule "F", in respect of each key employee to be employed by the poker room;
  - (d) a completed Dealer Permit Application, attached as Schedule "G", in respect of each house-dealer to be employed by the poker room, and
  - (e) a deposit in the amount of Twenty-Five Thousand (\$25,000.00) Dollars, which includes:
    - (i) the estimated cost of conducting the Commission's due diligence (Fifteen Thousand (\$15,000.00) Dollars, non-refundable); and
    - (ii) the first annual Poker Room Licence fee; the first annual Key Employee Licence fees for up to three (3) Key Employee Licences; and the first annual Dealer Permit fees for up to ten (10) Dealer Permits (Ten Thousand

(\$10,000.00) Dollars, refundable if an application is not granted).

17. The applicant is responsible to the Commission for all costs incurred by the Commission related to the processing of the application. In the event these costs exceed the amount of the original deposit of Twenty-Five Thousand (\$25,000.00) Dollars, the Commission will notify the applicant in writing to provide a further deposit or deposits in such amounts as the Commission may determine. In the event the Commission does not receive payment of a further deposit within ten (10) days of the date of the Commission's notice to the applicant, processing of the application will be suspended until the further deposit is received.

*Decisions*

18. Subject to the foregoing section, the Commission will promptly consider the application and will:

- (a) grant the application and issue an Poker Room Licence;
- (b) deny the application, or
- (c) return the application to the applicant with a request for additional information.

19. The Commission, in its sole discretion, may deny an application, or suspend or revoke an existing Poker Room Licence, even if the Commission is satisfied of the matters mentioned in foregoing section, when:

- (a) the proposed location for a poker room is likely to disturb or endanger, or is disturbing or endangering, the community of Kahnawá:ke;
- (b) the proposed location for a poker room is within close proximity to a school, church or other public institution within the Territory;
- (c) at any given time, the Commission is convinced that, given the number of existing Poker Room Licences and or number of existing tables within poker rooms, the issuance of another Poker Room Licence would be detrimental to peace, order or security within the community of Kahnawá:ke.

20. The Commission, in its sole discretion, may deny any application even if the requirements set out in these Regulations have been met.

21. In the event an application is denied, the Commission will give its reasons for the refusal in writing to the applicant.

*Third party investigations*

22. In addition to any other requirement set out in these Regulations, the

Commission may conduct such investigations at it deems necessary in relation to any person providing goods or services to a poker room. In the event such person fails or refuses to cooperate with the Commission's investigations, the Commission may, in its sole discretion, refuse to grant a Poker Room Licence or may suspend or revoke an existing Poker Room Licence.

*Conditions for  
granting or denying  
an application*

23. The Commission may grant an application for a Poker Room Licence only if the Commission is satisfied that:

- (a) the applicant is one or more Kahnawá:kero:non persons or a business entity which is wholly owned by one or more Kahnawá:kero:non;
- (b) the applicant is suitable to hold a Poker Room Licence, and
- (c) each director, shareholder with ten (10%) per cent or more ownership of or controlling interest in the applicant, partner and Chief Executive Officer is suitable to be associated with an applicant's operations.

*Suitability of  
applicants*

24. The Commission may consider an applicant suitable to hold a Poker Room Licence if the applicant satisfies the Commission that:

- (a) in the case of an individual, the applicant is a person of good character, honesty and integrity; taking into consideration any matter the Commission considers relevant, including but not limited to the following:
  - (a) personal, professional and business associations;
  - (b) history of criminal convictions;
  - (c) history of civil litigation;
  - (d) credit history or bankruptcies;
  - (e) personal and professional references;
  - (f) education, training and work history; and
  - (g) experience in the gaming industry;
- (b) in the case of a corporation, partnership or other business entity, the applicant has:
  - (i) a good business reputation, sound current financial position and financial background;

- (ii) arranged a satisfactory ownership and corporate structure;
- (iii) the applicant has, or is able to obtain, appropriate resources, services and technical ability to operate a poker room;
- (iv) the applicant has the ability to conduct approved games under a Poker Room Licence; and
- (v) each director, shareholder with ten percent (10%) or more ownership of or controlling interest in the corporation and key employee, is a suitable individual;

and of any other matter prescribed under these Regulations, under a law applicable within the Territory or which the Commission otherwise deems appropriate.

25. The Commission, or such person as the Commission may appoint, will conduct a thorough investigation into the matters referred to in the foregoing section 24 to determine the applicant's suitability to hold a Poker Room Licence and the suitability of each director, shareholder with ten (10%) per cent or more ownership of or controlling interest in the applicant, partner and Chief Executive Officer of the applicant.

26. The Commission may consider proof that an applicant has been licensed to conduct gaming in another jurisdiction as *prima facie* evidence of the applicant's suitability to operate a poker room within the Territory.

*Poker Room  
Licences*

27. A Poker Room Licence will not be granted for a period of time exceeding one (1) year but may be renewed an unlimited number of times.

28. A Poker Room Licence will be in the form prescribed by the Commission and will, in addition to any other matter which the Commission deems to be appropriate, specify:

- (a) the name, address, telephone number, fax number and e-mail address of the Poker Room Licence holder;
- (b) the physical location of the premises from which the Poker Room Licence holder will operate the poker room;
- (c) the approved game or games the Poker Room Licence holder is permitted to conduct;
- (d) hours of operation;

- (e) maximum number of tables permitted in the poker room;
- (f) commencement and termination dates of the Poker Room Licence;
- (g) a clause stating that the Commission and its members, employees and agents are not liable for any damages, losses, costs or liabilities incurred by a Poker Room Licence holder,
- (h) a clause stating that the Poker Room Licence holder has agreed to indemnify the Commission against any claims, demands or actions of a civil nature and any resulting damages, awards or costs (including legal costs) brought by a player or any third party against the Commission in relation to the operation of a poker room or any acts or omissions of a Poker Room Licence holder, and
- (i) any other terms and conditions that are in the public interest and that the Commission, in its sole discretion, considers necessary or desirable for the proper operation of poker rooms.

*Special Events  
Licences* 29.

A Poker Room Licence:

- (a) subject to the provisions of these Regulations, may be amended, suspended or revoked for any breach of the Law, these Regulations, the terms and conditions of the Poker Room Licence or any direction issued by the Commission;
- (b) is not valid unless and until the prescribed fees have been paid in full, and
- (c) may not be sold, transferred, mortgaged or assigned.

30. The Commission may, in its sole discretion, grant a Special Events Licence which entitles the holder to offer approved games to the public, provided that a written request for a Special Events Licence (the "written request") has been submitted to the Commission by a Poker Room Licence holder, a Kahnawá:ke social club or any other organization within the Territory recognized by the Commission, which meets the following criteria;

- (a) the special event to be conducted on a fixed date or dates, not to exceed four (4) days in total; (Amended 21 Onerahtokha/April, 2010)
- (b) the special event to be conducted in a poker room or other premises approved by the Commission for the purpose of the special event;
- (c) the net proceeds of the special event to be given to one or more organizations within the Territory recognized by the Commission – which

may include the organization requesting the Special Events Licence;

(d) only approved games will be offered during the special event.

31. Upon receipt of a written request for a Special Events Licence, the Commission will, in its sole discretion, decide which provisions of these Regulations will apply regarding the processing of the request and the conduct of the special event, and will so notify the requesting party in writing.

32. In the event the requesting party is unwilling or unable to comply with the provisions of the notification referred to in the foregoing section 31, the Commission will deny the request.

*Material Change  
Reports*

33. Every Poker Room Licence holder, including every applicant, must report to the Commission any material change to the information that was provided to the Commission for the purposes of an application or for any other purpose (a "material change report").

34. A material change report must be in writing, must clearly identify the material change in question and must be received by the Commission:

(a) wherever possible, at least thirty (30) days prior to the date on which the proposed material change is to be effective; or

(b) in any event, not later than seven (7) days from the date on which the material change was effective.

35. The costs incurred by the Commission associated with its assessment of a material change report will be paid to the Commission by the applicant or Poker Room Licence holder that submitted the report, upon being presented the appropriate invoice.

36. Failure to report a material change to the Commission as required by these Regulations may result in one or more of the following sanctions:

(a) the immediate amendment, suspension or revocation of the Poker Room Licence to which the change relates;

(b) for each material change that was not reported, a fine of not less than One Thousand (\$1,000.00) Dollars and not more than Twenty Thousand (\$20,000.00) Dollars.

37. In the case of an application, failure to report a material change is a sufficient ground for denial of the application.

38. The Commission will consider the information in a material change report, including a material change report that is received after the material change is effective, and will issue such written directions to the Poker Room Licence holder or applicant as the Commission, in its sole discretion, deem necessary and appropriate under the circumstances.

*Temporary Poker  
Room Licences*

39. After receiving an application for a Poker Room Licence, accompanied by the required forms and non-refundable deposit, and pending the completion of the Commission's investigations into the application and matters related thereto, the Commission may, at the request of the applicant, issue a temporary Poker Room Licence.

40. The Commission will only issue a temporary Poker Room Licence when it is satisfied that:

(a) the applicant appears to be suitable and is likely to be issued a Poker Room Licence;

(b) it is not contrary to the public interest to issue a temporary Poker Room Licence.

41. The issuance of a temporary Poker Room Licence does not impose any obligation on the Commission to issue a Poker Room Licence and if the Commission does not issue a Poker Room Licence, the holder of a temporary Poker Room Licence has no recourse against the Commission.

42. Any breach of the Law or these Regulations by the holder of a temporary Poker Room Licence may result in the immediate suspension or revocation of the temporary Poker Room Licence.

43. A temporary Poker Room Licence will not be granted for a period exceeding six (6) months but may be extended, in the Commission's sole discretion.

44. The provisions of these Regulations that apply to Poker Room Licences also apply, adapted as required, to a temporary Poker Room Licence and to the holder of a temporary Poker Room Licence.

*Renewal  
applications*

45. An application to renew a Poker Room Licence, Key Person Licence or Dealer Permit must be submitted to the Commission in a form approved by the Commission (a "renewal application").

46. To be considered by the Commission, a renewal application must contain all of the information requested in the form.

47. A renewal application must be received by the Commission not less than three (3) months prior to the termination date of the Poker Room Licence,

Key Person Licence or Dealer Permit.

48. The applicant is responsible to the Commission for all costs incurred by the Commission related to the processing of the renewal application and will pay such costs upon receipt of an invoice from the Commission.
49. The Commission will promptly consider the renewal application and will:
  - (a) grant the renewal application and renew Poker Room Licence, Key Person Licence or Dealer Permit for a period not exceeding the original term of the licence or permit in question;
  - (b) deny the renewal application, or
  - (c) return the renewal application with a request for additional information.
50. In the event an application is denied, the Commission will give its reasons for the refusal in writing to the applicant.
51. In deciding whether to grant a renewal application, the Commission will consider any complaints, concerns or problems that may have arisen in the previous licensing period related to the Poker Room Licence holder and the poker room operations and will deny the renewal application if, in the Commission's sole discretion, the complaints, concerns or problems are sufficiently serious or numerous.
52. A Poker Room Licence that is renewed under this Part is subject to the all provisions of these Regulations concerning Poker Room Licences, adapted as required.
53. The Commission may amend a term or condition of a Poker Room Licence if the Commission considers it is necessary or desirable to make the amendment for the proper conduct of approved games by the Poker Room Licence holder or that the amendment is otherwise in the public interest.
54. If the Commission decides to amend a term or condition of a Poker Room Licence, the Commission must promptly give the Poker Room Licence holder written notice (the "amendment notice") of the change and the reasons for the change.
55. The power of the Commission under this section includes the power to add such new terms or conditions as the Commission, in its sole discretion, deems appropriate.
56. Before amending a term or condition of a Poker Room Licence, the Commission must follow the show cause procedures set out in these

*Amendments to  
Poker Room  
Licences*

Regulations.

57. The Poker Room Licence holder must return the existing Poker Room Licence to the Commission within seven (7) days of receiving the amendment notice.
58. In the event the Poker Room Licence holder fails or refuses to return the existing Poker Room Licence to the Commission pursuant to section 57, the Commission may impose one or more of the following sanctions:
  - (a) issue a replacement Poker Room Licence, incorporating the amended terms or conditions, to the Poker Room Licence holder;
  - (b) suspend or revoke the existing Poker Room Licence;
  - (c) impose a fine on the Poker Room Licence holder of not less than One Thousand (\$1,000.00) Dollars and not more than Twenty Thousand (\$20,000.00) Dollars.
59. Subject to the show cause procedures set out in these Regulations, upon receipt of the Poker Room Licence, the Commission will:
  - (a) amend the Poker Room Licence and return the amended licence to the Poker Room Licence holder; or
  - (b) if the Commission does not consider it is practical to amend the Poker Room Licence, issue a replacement Poker Room Licence, incorporating the amended terms or conditions, to the Poker Room Licence holder.
60. An amendment of terms or conditions of a Poker Room Licence takes effect on the date set by the Commission.
61. The Commission may suspend or revoke a Poker Room Licence on the following grounds:
  - (a) the Poker Room Licence holder is no longer suitable to hold a Poker Room Licence;
  - (b) the Poker Room Licence holder has been convicted of an offence under the Law, these Regulations or a gaming act of another jurisdiction;
  - (c) the Poker Room Licence holder has been convicted of an indictable offence or other crime the Commission, in its sole discretion, deems to affect the suitability of a Poker Room Licence holder;
  - (d) the Poker Room Licence holder has contravened a term or condition of

*Suspending or  
revoking a Poker  
Room Licence*

the Poker Room Licence;

- (e) the Poker Room Licence holder has failed to discharge the financial commitments of the Poker Room Licence holder's operations or the Commission has reason to believe that such failure is imminent;
  - (f) the Poker Room Licence holder is insolvent, has been petitioned into bankruptcy or has applied to take advantage of any bankruptcy law;
  - (g) the Poker Room Licence holder has a trustee, receiver, manager, liquidator or administrator appointed for it under the provisions of the laws of any jurisdiction;
  - (h) the Poker Room Licence holder applies for, or is compelled by any means or for any reason, for a discontinuance or winding-up;
  - (i) the Poker Room Licence was obtained by a materially false or misleading representation or in some other improper way, or
  - (j) any other ground that the Commission, in its sole discretion, determines is material and sufficient for the purposes of this section.
62. Before amending, suspending or revoking a Poker Room Licence, the Commission must give the Poker Room Licence holder a written notice (a "show cause notice") that:
- (a) states the action (the "proposed action") the Commission proposes taking;
  - (b) states the grounds for the proposed action;
  - (c) outlines the facts and circumstances forming the basis for the grounds;
  - (d) if the proposed action is a suspension of the Poker Room Licence, states the proposed suspension period, and
  - (e) permits the Poker Room Licence holder to show within a stated period (the "show cause period") why the proposed action should not be taken.
63. The show cause period will be established by the Commission and will be specified in the show cause notice.
64. The Commission must promptly serve a copy of the show cause notice on:
- (a) the Poker Room Licence holder, and

- (b) each person (an “interested person”) the Commission believes has an interest in the Poker Room Licence if the Commission considers;
    - (i) the person’s interest may be affected adversely by the amendment, suspension or revocation of the Poker Room Licence; and
    - (ii) it is otherwise appropriate in the circumstances to give copy of the notice to the person.
65. A person upon whom a copy of the show cause notice is served may make written representations about the matters raised in the notice to the Commission within the show cause period.
66. The Commission will consider all written representations (the “accepted representations”) made during the show cause period by:
- (a) the Poker Room Licence holder; or
  - (b) any interested person upon whom a copy of the show cause notice is served.
67. Notwithstanding any other provision of these Regulations, the Commission may amend, suspend or revoke a Poker Room Licence immediately if the Commission believes:
- (a) a sufficient ground exists to amend, suspend or revoke the Poker Room Licence, and
  - (b) the circumstances are so extraordinary that it is imperative to amend, suspend or revoke the Poker Room Licence immediately to ensure:
    - (i) the public interest is not affected in an adverse and material way; or
    - (ii) the integrity of the conduct of approved games by the Poker Room Licence holder is not jeopardized in a material way.
68. An immediate amendment, suspension or revocation:
- (a) must be effected by written notice served on the affected Poker Room Licence holder (the “notice or immediate amendment, suspension or revocation”), and any interested person;
  - (b) is effective from the moment the notice is served;
  - (c) continues in effect until a hearing date or until the Commission otherwise directs, and

(d) will specify a show cause period.

- Hearings* 69. A Poker Room Licence holder who has received a show cause notice may, within the show cause period, request a hearing before the Commission to respond to the matters raised in the show cause notice.
70. A hearing will only be conducted if the Poker Room Licence holder requests a hearing within the show cause period.
71. Upon receiving a request for a hearing, the Commission will set a date for the hearing (the "hearing date") and will immediately notify the Poker Room Licence holder in writing of the hearing date.
72. At the hearing, the Poker Room Licence holder will have the opportunity to bring written and oral evidence to respond to the matters raised in the show cause notice.
73. In the event the affected Poker Room Licence holder fails or refuses to attend a hearing at the time and place set out in the hearing notice, the Commission may, in its sole discretion, take one or more of the following actions:
- (a) adjourn the hearing to another time or place;
  - (b) confirm or continue the amendment, suspension or revocation;
  - (c) impose a fine on the affected Poker Room Licence holder of not less than One Thousand (\$1,000.00) Dollars and not more than Twenty Thousand (\$20,000.00) Dollars;
  - (d) issue such other directives as the Commission deems necessary.
- Decisions* 74. If, after considering the accepted representations, or in the case of a hearing, all the evidence adduced before it, the Commission finds that:
- (a) a ground or grounds exist to amend, suspend or revoke the Poker Room Licence and/or;
  - (b) the act, omission or other item constituting the ground is of a serious and fundamental nature and either:
    - (i) the integrity of the conduct of approved games by the Poker Room Licence holder may be jeopardized in a material way, or
    - (ii) the public interest may be affected in an adverse or material way;

the Commission may amend or revoke the Poker Room Licence or suspend the Poker Room Licence for such period of time and on such conditions of reinstatement as the Commission deems appropriate.

75. If the Commission directs the Poker Room Licence holder to rectify a matter and the Poker Room Licence holder fails to comply with the direction within the time allowed for compliance, the Commission may revoke or suspend the Poker Room Licence for such period of time and on such conditions for reinstatement as the Commission deems appropriate.
76. The Commission must promptly serve written notice of the decision to amend, suspend or revoke a Poker Room Licence on the Poker Room Licence holder.
77. A decision to amend, suspend or revoke a Poker Room Licence takes effect on the date specified by the Commission.
78. If a Poker Room Licence is under suspension, the Commission may, at the request of the Poker Room Licence holder, reconsider the duration of the suspension.
79. The Commission must promptly serve written notice of its decision on the Poker Room Licence holder.

*Hours of operation*

80. A poker room may be open to the public only from 12:00 p.m. (noon) ET until 6:00 a.m. ET, seven (7) days a week.
81. A Poker Room Licence holder may apply to the Commission in writing to extend the hours of operation on a particular date or dates. The Commission will, in its sole discretion, decide whether to grant an extension.

*Rake or rental fees*

82. A Poker Room Licence holder may either
  - (a) take a rake from each pot, or
  - (b) charge players a rental fee for the use of the poker room's equipment and facilities,but not both on the same table.
83. A rake will not exceed ten (10%) percent of the pot and must be clearly posted in the poker room.
84. The Poker Room Licence holder may determine the amount the rental fees to be charged to players. The rental fees must be clearly posted in the poker room.

- Maximum number of tables* 85. Every Poker Room Licence will specify the maximum number of tables that are permitted to operate in the poker room.
86. The Commission will decide, in its sole discretion, the maximum number of tables for each Poker Room Licence, taking into consideration the size and layout of the poker room premises and any other factor the Commission deems to be relevant, but in no event will the maximum number of tables in a particular poker room exceed twenty-five (25). For greater certainty, this provision applies to the Kahnawá:ke social clubs.
87. The Commission will review the provisions of the foregoing section 86 annually and decide whether the maximum number of tables allowed in any particular poker room may exceed twenty-five (25).
- Maximum buy-in* 88. The maximum buy-in for any no-limit or pot-limit game is one hundred (100) times the big blind set for that game.
- Tournaments* 89. Rules for tournament games and tournament play are as set out in Schedule “B”.
90. Tournaments can only be conducted by Poker Room Licence holders in poker rooms.
- Security* 91. Each Poker Room Licence holder will maintain security controls over the poker room and all operations therein, and those security controls are subject to the approval of the Commission.
92. The Commission may direct a Poker Room Licence holder to provide additional security controls over a poker room and its operations if the Commission, in its sole discretion, deems it necessary to do so in the interests of security for players and or the public.
- Mandatory tributes* 93. Poker Room Licence holders will be required to pay a tribute to the community of Kahnawá:ke in an amount, and the formula for which, will be determined by the Commission. For greater certainty, this provision includes Kahnawá:ke social clubs.
- Key employees* 94. A person must not accept employment in a poker room as a key employee, or agree to carry out the duties of a key employee, unless the person holds a valid Key Employee Licence.
95. A Poker Room Licence holder must not employ a person to carry out the functions of a key employee, unless the person holds a valid Key Employee Licence.

96. If the Commission reasonably believes a person, other than a person who holds a valid Key Employee Licence, is a key employee, the Commission may, by written notice given to the person, with copies to the Poker Room Licence holder with whom the key relationship exists, require the person either to apply for a Key Employee Licence or to terminate the relevant key relationship, within seven (7) days of receiving the notice.
97. The person must comply with the requirement within seven (7) days of receiving the notice or such other period of time that the Commission may specify in the notice.
98. If the Commission does not approve an application for a Key Employee Licence made by a person of whom a requirement has been made under the foregoing section, the Commission may, by written notice given to the person, with copies to the Poker Room Licence holder with whom the key relationship exists, require the person to terminate the relevant key relationship within the time stated in the notice and the person must comply with the requirement within the time stated in the notice.
99. A person does not incur any liability as a result of action taken to comply with a notice under this section.
100. If a requirement is made of a person under the foregoing sections and the person fails to comply with the requirement, the Commission may, by written notice given to the Poker Room Licence holder with whom the key relationship exists, require the Poker Room Licence holder to take any necessary action to terminate the key relationship within the time stated in the notice and the Poker Room Licence holder must comply with the requirement.
101. A Poker Room Licence holder does not incur any liability because of action taken to comply with a notice under this section.

*Application for Key Employee Licence*

102. An application for a Key Employee Licence must be made to the Commission in the form attached as Schedule "F" to these Regulations.
103. An application for a Key Employee Licence must be accompanied by:
  - (a) a letter from the Poker Room Licence holder addressed to the Commission confirming the existence or proposed existence of the key relationship;
  - (b) a Personal Information Form attached as Schedule "E" to these Regulations completed by the proposed key employee;
  - (c) except as otherwise provided herein, a non-refundable deposit in the

amount of Two Thousand (\$2,000.00) Dollars.

104. The applicant is responsible to the Commission for all costs incurred by the Commission related to the processing of the application for a Key Employee Licence. In the event these costs exceed the amount of the original deposit of Two Thousand (\$2,000.00) Dollars, the Commission will notify the applicant in writing to provide a further non-refundable deposit or deposits in such amounts as the Commission may determine. In the event the Commission does not receive payment of a further deposit within ten (10) days of the date of the Commission's notice to the applicant, processing of the application will be suspended until the further deposit is received.
105. The Commission may, by written notice given to an applicant for a Key Employee Licence, require the applicant to give the Commission further information or a document that is necessary and reasonable to help the Commission consider and decide the application.
106. Subject to receiving the required non-refundable deposits, the Commission will consider an application for a Key Employee Licence and either grant or deny the application.
107. The Commission will consider an applicant suitable to hold a Key Employee Licence, if the applicant can satisfy the Commission that the applicant is a person of good character, honesty and integrity, taking into consideration any matter the Commission considers relevant, including but not limited to the following:
  - (a) personal, professional and business associations;
  - (b) history of criminal convictions;
  - (c) history of civil litigation;
  - (d) credit history or bankruptcies;
  - (e) personal and professional references; and
  - (f) education, training and work history;
  - (g) the applicant's general suitability to carry out functions for a Poker Room Licence holder as a key employee.
108. The Commission will investigate an applicant for a Key Employee Licence to help the Commission decide whether the applicant is suitable to hold a Key Employee Licence.

109. Written notice of the Commission's decision to grant or deny an application for a Key Employee Licence must be given to the applicant and the Poker Room Licence holder.

110. If the Commission denies an application for a Key Employee Licence, the written notice will include reasons for the decision.

*Form of Key  
Employee Licences*

111. A Key Employee Licence will be in the form prescribed by the Commission and will include the following:

(a) the Key Employee Licencee's name;

(b) a recent photograph of the Key Employee Licencee;

(c) the date of issue of the licence;

(d) the conditions of the licence;

(e) other conditions or particulars the Commission deems to be appropriate.

112. A Key Employee Licence will not be issued for a period exceeding two (2) years.

113. A Key Employee Licence may be renewed by the Commission in accordance with the procedures provided in these Regulations.

114. A Key Employee Licence lapses if there has been no key relationship between the Key Employee Licencee and a Poker Room Licence holder for a continuous period of one (1) year.

115. The Commission may issue a Key Employee Licence:

(a) on conditions the Commission considers necessary or desirable for the proper conduct of gaming activities; and

(b) on other conditions the Commission considers necessary or desirable in the public interest.

116. Amendments to the terms or conditions of a Key Employee Licence will be governed by the principles and procedures provided in these Regulations for amending the terms or conditions of a Poker Room Licence, adapted as required.

*Suspending or  
revoking a Key  
Employee Licence*

117. Each of the following is a ground for suspending or revoking a Key Employee Licence:

- (a) the Key Employee Licencee is not, or is no longer, suitable to hold a Key Employee Licence;
- (b) the Key Employee Licencee has been convicted of an indictable offence;
- (c) the Key Employee Licencee has contravened a condition of the Key Employee Licence;
- (d) the Key Employee Licencee has contravened a provision of the Law, these Regulations or the provision of a gaming act of any other jurisdiction;
- (e) the Key Employee Licencee was obtained by a materially false or misleading representation or declaration or in some other improper way;  
or
- (f) any act, omission or conduct the Commission finds adversely affects the integrity of the poker room or affects the public interest in an adverse and material manner.

118. If the Commission believes a ground exists to suspend or revoke a Key Employee Licence, the Commission will apply the principles and procedures provided in these Regulations for suspending or revoking a Poker Room Licence, adapted as required.

*Dealer Permits*

- 119. A person must not accept employment in a poker room as a house-dealer, or agree to carry out the duties of a house-dealer, unless the person holds a valid Dealer Permit.
- 120. A player-dealer is not required to hold a Dealer Permit.
- 121. A Poker Room Licence holder must not employ a person to carry out the functions of a house-dealer, unless the person holds a valid Dealer Permit.
- 122. If the Commission reasonably believes a person, other than a person who holds a valid Dealer Permit, is acting as a house-dealer, the Commission may, by written notice given to the person, with copies to the Poker Room Licence holder, require the person either to apply for a Dealer Permit or to terminate the relevant relationship, within three (3) days of receiving the notice.
- 123. The person must comply with the requirement within three (3) days of receiving the notice or such other period of time that the Commission may specify in the notice.

124. If the Commission does not approve an application for a Dealer Permit made by a person of whom a requirement has been made under the foregoing section, the Commission may, by written notice given to the person, with copies to the Poker Room Licence holder, require the person to terminate the relevant relationship within the time stated in the notice and the person must comply with the requirement within the time stated in the notice.
125. A person does not incur any liability as a result of action taken to comply with a notice under this section.
126. If a requirement is made of a person under the foregoing sections and the person fails to comply with the requirement, the Commission may, by written notice given to the Poker Room Licence holder, require the Poker Room Licence holder to take any necessary action to terminate the relevant relationship within the time stated in the notice and the Poker Room Licence holder must comply with the requirement.
127. A Poker Room Licence holder does not incur any liability because of action taken to comply with a notice under this section.
- Application for Dealer Permit* 128. An application for a Dealer Permit must be made to the Commission in the form attached as Schedule "G" to these Regulations.
129. Except as otherwise provided herein, an application for a Dealer Permit must be accompanied by:
- (a) a letter from the Poker Room Licence holder addressed to the Commission confirming the existence or proposed existence of the relevant relationship;
  - (b) a Dealer Information Form attached as Schedule "H" to these Regulations completed by the proposed house-dealer;
  - (c) a non-refundable deposit in the amount of Two Hundred and Fifty (\$250.00) Dollars.
130. The applicant is responsible to the Commission for all costs incurred by the Commission related to the processing of the application for a Dealer Permit. In the event these costs exceed the amount of the original deposit of Two Hundred and Fifty (\$250.00) Dollars, the Commission will notify the applicant in writing to provide a further non-refundable deposit or deposits in such amounts as the Commission may determine. In the event the Commission does not receive payment of a further deposit within ten (10) days of the date of the Commission's notice to the applicant, processing of the application will be suspended until the further deposit is received.

131. The Commission may, by written notice given to an applicant for a Dealer Permit, require the applicant to give the Commission further information or a document that is necessary and reasonable to help the Commission consider and decide the application.
132. Subject to receiving the required non-refundable deposits, the Commission will consider an application for a Dealer Permit and either grant or deny the application.
133. The Commission will consider an applicant suitable to hold a Dealer Permit, if the applicant can satisfy the Commission that the applicant is a person of good character, honesty and integrity, taking into consideration any matter the Commission considers relevant, including but not limited to the following:
  - (a) personal, professional and business associations;
  - (b) history of criminal convictions;
  - (c) personal and professional references;
  - (d) education, training and work history;
  - (e) the applicant's knowledge of the approved rules of play or approved games;
  - (f) the applicant's general suitability to carry out functions of house-dealer for a Poker Room Licence holder.
134. The Commission will investigate an applicant for a Dealer Permit to help the Commission decide whether the applicant is suitable to hold a Dealer Permit.
135. Written notice of the Commission's decision to grant or deny an application for a Dealer Permit must be given to the applicant and the Poker Room Licence holder.
136. If the Commission denies an application for a Dealer Permit, the written notice will include reasons for the decision.

*Form of Dealer  
Permits*

137. A Dealer Permit will be in the form prescribed by the Commission and will include the following:
  - (a) the house-dealer's name;
  - (b) a recent photograph of the house-dealer;

- (c) the date of issue of the permit;
- (d) the conditions of the permit;
- (e) other conditions or particulars the Commission deems to be appropriate.

138. A Dealer Permit will not be issued for a period exceeding two (2) years.
139. A Dealer Permit may be renewed by the Commission in accordance with the procedures for renewing a Poker Room Licence as provided in these Regulations.
140. The Commission may issue a Dealer Permit:
- (a) on such terms and conditions the Commission considers necessary or desirable for the proper conduct of gaming activities; and
  - (b) on such other terms and conditions the Commission considers necessary or desirable in the public interest.
141. Amendments to the conditions of a Dealer Permit will be governed by the principles and procedures provided in these Regulations for amending the conditions of a Poker Room Licence, adapted as required.
142. A house-dealer must wear his Dealer Permit affixed to the front of his or her shirt at all times that the person is acting as a house-dealer.

*Suspending or  
revoking a Dealer  
Permit*

143. Each of the following is a ground for suspending or revoking a Dealer Permit:
- (a) the Dealer Permit holder is not, or is no longer, suitable to hold a Dealer Permit;
  - (b) the Dealer Permit holder has been convicted of an indictable offence;
  - (c) the Dealer Permit holder has contravened a term or condition of the Dealer Permit;
  - (d) the Dealer Permit holder has contravened a provision of the Law, these Regulations or the provision of a gaming act of any other jurisdiction;
  - (e) the Dealer Permit was obtained by a materially false or misleading representation or declaration or in some other improper way; or
  - (f) any act, omission or conduct the Commission finds adversely affects the integrity of the poker room or affects the public interest in an adverse and material manner.

144. If the Commission believes a ground exists to suspend or revoke a Dealer Permit, the Commission will apply the principles and procedures provided in these Regulations for suspending or revoking a Poker Room Licence, adapted as required.
- Anti-money laundering* 145. The Commission will establish specific rules and procedures for Poker Room Licence holders for the purpose of anticipating and preventing suspicious activities whereby monies obtained by illegal means are used for the purpose of gaming activities in a poker room, which will include:
- (a) Poker Room Licence holders shall be required to file with the Commission a Currency Transaction Report (“CTR”), in the form provided by the Commission, for all currency transactions exceeding Ten Thousand (\$10,000.00) Dollars. Multiple currency transactions by or on behalf of one person during a twenty-four (24) hour period shall be considered a single transaction;
  - (b) Poker Room Licence holders shall be required to file a Suspicious Activity Report (“SAR”), in the form provided by the Commission, to the Commission if the Poker Room Licence holder has reason to believe or suspects that an individual or group of individuals having that:
    - (i) involves or may involve funds derived from illegal activity or that is or may be intended to conceal funds derived from illegal activity;
    - (ii) is or may be intended to avoid or prevent the filing of a CTR;
    - (iii) has no apparent business or other lawful purpose;
    - (iv) is not the type normally expected from that particular player; or
    - (v) involves the use of the poker room to facilitate criminal activity;
  - (c) Poker Room Licence holders will comply with the recommendations of the Financial Action Task Force (“FATF”) as they pertain to gaming establishments. The Commission will provide copies of FATF recommendations to Poker Room Licence holders upon request.
146. Upon receipt of a CTR or SAR, the Commission will contact the appropriate law enforcement agency to investigate and take such further actions as may be appropriate.
- Approved cards, chips and tables* 147. The Commission must approve the cards, chips and tables to be used in a poker room.

- 148. If the Commission decides to refuse to give an approval, the notice of refusal must state the reasons for the decision.
- 149. No one may use any cards, chips or tables in conducting an approved game unless the cards, chips and tables are approved by the Commission.
- 150. No one may modify approved cards, chips or tables unless the modification is approved by the Commission in writing.

*Mandatory provisions*

- 151. A Poker Room Licence holder must not allow a player under the full age of eighteen (18) years to participate in operations related to the conduct of approved games.
- 152. A person involved in the conduct of an approved game must not allow a player under the full age of eighteen (18) years to participate as a player in an approved game.
- 153. A prize won by a player under the full age of eighteen (18) years by participation in an approved game contrary to the foregoing subsection is forfeited to the Commission. The Commission will disburse any such forfeited prizes to charitable community organizations within the Territory.

*Player identification and player registry*

- 154. A Poker Room Licence holder must not allow any person to participate in an approved game unless and until:
  - (a) the person has provided a form of official identification that includes of his or her photograph, showing the person's:
    - (i) name;
    - (ii) address, and
    - (iii) date of birth;
  - (b) the Poker Room Licence holder has recorded the person's name, address and date of birth in a registry kept for that purpose (the "player registry"). The player registry must also show the date on which each record is made.

- 155. A Poker Room Licence holder must, upon receiving a written request from the Commission or an Inspector, produce the player registry for inspection. The Commission or Inspector may make a copy of any part of a player registry.

*Player protection and responsible gaming*

- 156. A Poker Room Licence holder must not allow an inebriated player to participate in an approved game.

157. A player may, by written and signed notice to a Poker Room Licence holder, may ban himself or herself from entering or playing in a poker room (a “self-banishment notice”).
158. A player who has given a self-banishment notice to a Poker Room Licence holder may not change or revoke such notice until at least thirty (30) days after the date on which the notice was given.
159. Any changes or revocation of a self-banishment notice must be in writing and signed by the person who gave the notice.
160. Unless changed or revoked in accordance with the provisions of these Regulations, a Poker Room Licence holder must not allow a person who is the subject of a valid self-banishment notice to enter or play in a poker room.
161. An application may be made to the Commission in the approved form for an order:
  - (a) prohibiting a person from participating in approved games
  - (b) revoking an order under paragraph (a).
162. An application may only be made under the foregoing section by:
  - (a) a person who seeks a prohibition or the revocation of a prohibition against himself or herself;
  - (b) a Poker Room Licence holder, or
  - (c) a person who satisfies the Commission of a close personal interest in the welfare of the person against whom the prohibition is sought.
163. If the application is made by a person other than the person against whom the prohibition is sought or has been imposed (the “affected person”), the Commission must:
  - (a) give the affected person written notice of the application and the reasons for it; and
  - (b) invite the affected person to make representations to the Commission about the application within a reasonable time stated in the notice.
164. The Commission must consider representations from the applicant, and if the applicant is not the affected person, the affected person.
165. If the Commission is satisfied the order sought in the application should be

*Order of prohibition*

made in the interests of the affected person and the public interest, the Commission may prohibit the affected person from entering a poker room, or such other order as the Commission, in its sole discretion, deems appropriate.

166. The Commission must:
- (a) serve written notice on the applicant and, if the affected person is not the applicant, the affected person:
    - (i) stating the Commission's decision and the reasons for it, and
    - (ii) in the case of a written notice given to an applicant whose application has been refused, stating that the applicant may appeal against the decision to the Court of Kahnawá:ke, and
    - (iii) in the case of a written notice given to a person who is not the applicant but is affected by an order made on the application, stating that the affected person may appeal against the decision to the Court of Kahnawá:ke or other court of competent jurisdiction, and
  - (b) if an order is made on the application, serve copies of the order on:
    - (i) the affected person, and
    - (ii) all Poker Room Licence holders within the Territory.
167. A Poker Room Licence holder on whom a copy of an order imposing a prohibition has been served must not allow the person who is the subject of the prohibition to enter or play in a poker room, contrary to the prohibition.
- Gaming Addiction Research and Education Fund* 168. The provisions of the Commission's *Regulations concerning Interactive Gaming* in relation to the Gaming Addiction Research and Education Fund are hereby incorporated into these Regulations and will apply to Poker Room Licence holders, adapted as required.
169. For greater certainty, a Poker Room Licence holder must display at all times, in a prominent place within the poker room, a warning of the risks associated with gaming and information about organizations that offer assistance to compulsive gamblers.
170. The Commission may establish incentive programs to encourage Poker Room Licence holders to contribute to the Gaming Addiction Research and Education Fund.
- Monthly reports* 171. Commencing one month after a Poker Room Licence, or temporary Poker

Room Licence, is issued, a Poker Room Licence holder must, on a monthly basis, provide the Commission a report (the “monthly report”) showing:

- (a) the number of players who participated in approved games in the poker room during the preceding month;
- (b) a summary of any incident report filed during the preceding month;
- (c) a list of all staff employed by the poker room, including staff that are retained on a contractual or agency basis, for the preceding month, showing for each staff member:
  - (i) name;
  - (ii) date of birth;
  - (iii) position, and
  - (iv) date employment commenced.

*Total gross gaming  
revenue records*

- 172. A Poker Room Licence holder must at all times maintain accurate records of the total gross gaming revenue generated by the poker room for the preceding month (the “total gross gaming revenue records”), showing the revenues produced by:
  - (a) cash games, and
  - (b) tournaments.
- 173. A Poker Room Licence holder must, upon receipt of written notice from the Commission, give the Commission or its designated agent access to the total gross gaming revenue records for the purpose of reviewing those records.
- 174. If the Commission or its designated agent is not satisfied that the total gross gaming revenue records maintained by a Poker Room Licence holder are accurate or complete, the Commission may require the Poker Room Licence holder to provide the Commission or its designated agent access to any other information the Commission may require to satisfy itself that the records are accurate and complete.
- 175. Poker Room Licence holders must maintain total gross gaming revenue records for a period of at least one (1) year.
- 176. In the event a Poker Room Licence holder fails or refuses to provide the Commission:

- (a) a monthly report, or providing a monthly report that is false, misleading or incomplete, may result in one or more of the following sanctions, or
- (b) access to its total gross gaming revenue records, or in the event the Commission is not satisfied the total gross gaming revenue records are accurate and complete;

the Commission may:

- (a) immediately amend, suspend or revoke the Poker Room Licence, or
- (b) impose a fine of not less than One Thousand (\$1,000.00) Dollars and not more than Twenty Thousand (\$20,000.00) Dollars.

*General requirements*

- 177. A Poker Room Licence holder, key employee or house-dealer must, at the request of the Commission, do anything reasonably necessary to allow an Inspector to inspect or monitor a poker room and the operations of a poker room.
- 178. The Commission may take whatever action is necessary under these Regulations to ensure the integrity of a poker room and the operations of a poker room.
- 179. The Commission may, by written notice given to a Poker Room Licence holder, restrict the Poker Room Licence holder from the conduct of an approved game unless an Inspector is present and the Poker Room Licence holder must comply with the direction.

*Annual licence fees*

- 180. A Poker Room Licence holder must pay an annual licence fee in the amount equal to Ten Thousand (\$10,000) Dollars. For greater certainty, this provision includes Kahnawá:ke social clubs.
- 181. A Poker Room Licence holder must pay to the Commission a penalty on the amount of an annual licence fee outstanding (the “unpaid amount”) as at the end of the period allowed for payment.
- 182. The penalty is ten (10%) per cent per annum of the unpaid amount calculated on a per diem basis from the date the fee was due until it is paid in full.
- 183. Failure to pay an annual licence fee in full on the date it is due may result in the amendment, suspension or revocation of a Poker Room Licence.

*Costs incurred by Commission*

- 184. A Poker Room Licence holder is responsible to pay all costs incurred by the Commission related to a particular Poker Room Licence (the “costs incurred by the Commission”), including the following:

- (a) applications for a Poker Room Licence, and all matters related thereto;
  - (b) investigations, inspections and monitoring of or related to a Poker Room Licence, a Key Employee Licence and Dealer Permit;
  - (c) complaints received against a particular Poker Room Licence holder, and
  - (d) any other matter related to a particular Poker Room Licence in regard to which the Commission incurs costs.
185. Costs incurred by the Commission are due and payable on the date the Poker Room Licence holder receives a statement of account from the Commission detailing the costs in question (the “statement of account”).
186. A Poker Room Licence holder must pay to the Commission a penalty on the amount of a statement of account outstanding (the “unpaid amount”) more than thirty (30) days after the date of receipt.
187. The penalty is ten (10%) per cent per annum of the unpaid amount calculated on a per diem basis from the date the statement of account was due until it is paid in full.
188. Failure to pay a statement of account may result in the amendment, suspension or revocation of a Poker Room Licence.
- Rules* 189. The Commission will establish rules concerning:
- (a) the conduct of approved games by Poker Room Licence holders;
  - (b) prizes in approved games conducted by Poker Room Licence holders;
  - (c) such other matters for which it is appropriate to make rules for the purposes of the Law and these Regulations.
190. The Commission will provide copies of all rules it establishes to Poker Room Licence holders.
191. Poker Room Licence holders will post in prominent places in the poker room, copies of all rules established by the Commission.
192. Poker Room Licence holders will ensure that their key employees and house-dealers employees have a good working knowledge of all rules established by the Commission.
193. A Poker Room Licence holder may make submissions to the Commission about a rule or proposed rule.

194. A Poker Room Licence holder, key employees, house-dealers and player-dealers must comply with the rules established by the Commission.
- Incident reports* 195. A Poker Room Licence holder must record in writing a report of all incidents that occur within a poker room, or on the premises of a poker room (“incident reports”), including the following:
- (a) any situation for which the Kahnawá:ke Peacekeepers or any policing agency are required to attend at the poker room to keep the peace or for any other reason;
  - (b) complaints received, orally or in writing, from a player or any other person regarding the poker room or the operations of the poker room;
  - (c) any occasion on which the operations of the poker room deviate from the terms and conditions of the Poker Room Licence;
  - (d) any breach of the Law or these Regulations.
196. An incident report must provide details of the incident and be submitted to the Commission not more than twenty-four (24) hours after the time of the incident.
197. In the event the Commission requires additional information regarding an incident report, a Poker Room Licence holder, key employee or house-dealer will use best efforts to provide the required information to the Commission.
- Advertising* 198. No person may advertise a poker room that it is not licensed and regulated by the Commission.
199. A Poker Room Licence holder must not advertise any game unless the game is an approved game.
200. A person must not advertise an approved game without approval of the relevant Poker Room Licence holder.
201. A Poker Room Licence holder must ensure that any advertisement or form of marketing it authorizes or that is conducted on its behalf:
- (a) is not indecent, offensive or defamatory;
  - (b) is based on fact; and
  - (c) is not false, deceptive or misleading.

202. The Commission will, in its sole discretion, determine whether an advertisement or form of marketing contravenes any of the requirements in the foregoing section 201.

203. If the Commission determines that an advertisement or form of marketing does not comply with section 201, the Commission may direct the Poker Room Licence holder or person responsible for authorizing the advertisement or form of marketing to take the appropriate steps to stop or to change the advertisement or form of marketing.

204. The direction must:

(a) be in writing;

(b) state the grounds for the direction; and

(c) if it is a direction to change the advertisement or form of marketing, state how the advertisement or form of marketing is to be changed;

and the person to whom a direction is given must comply with the direction.

*Complaints* 205. The Commission's logo, address, telephone number, fax number and e-mail address must be prominently displayed in a poker room with a notification that complaints may be addressed directly to the Commission.

206. If a complaint is made to the Commission about the conduct of an approved game or any other aspect of a poker room's operations, the Commission will promptly:

(a) inquire into the complaint, or

(b) if the Commission considers it appropriate, refer the complaint to the Poker Room Licence holder for resolution.

207. The Commission must promptly advise the complainant of:

(a) the result of the Commission's inquiry; or

(b) the Commission's decision to refer the complaint to the Poker Room Licence holder.

208. A complaint must:

(a) be in writing;

(b) state the complainant's name, address, telephone number and, if

possible, e-mail address; and

(c) give appropriate details of the complaint.

209. Any decision made by the Commission in relation to a complaint is final and binding on the Poker Room Licence holder and the complainant.

*Duty to report*

210. In the event a Poker Room Licence holder, key employee or house-dealer, becomes aware, or reasonably suspects, that:

(a) a person, by a dishonest or unlawful act affecting the conduct or playing of an approved game in the Territory, has obtained a benefit for the person or another person;

(b) there has been an unlawful act affecting the conduct or playing of an approved game, or

(c) an activity within, near or in relation to the poker room that is in breach of these Regulations or of any other law applicable within the Territory,

upon becoming aware of, or suspecting, the dishonest or unlawful act, the Poker Room Licence holder, key employee or house-dealer must within twenty-four (24) hours, give the Commission a written notice advising the Commission of all facts known about the matter.

211. Upon receipt of a written notice referred to in the foregoing section 210, the Commission will contact the appropriate law enforcement agency to investigate and take such further actions as may be appropriate.

*Gaming offences*

212. A person must not, in relation to an approved game, dishonestly obtain a benefit by any act, practice or scheme or otherwise dishonestly obtain a benefit through the use of any scheme, device or item.

213. For the purposes of the foregoing section, a person obtains a benefit if the person obtains for themselves or another person, or induces a person to deliver, give or credit to the person or another person, any money, benefit, advantage, valuable consideration or security.

214. Under no circumstances may a Poker Room Licence holder, key employee, house-dealer or any other person employed by or associated with a poker room, loan money or give credit to a person for the purpose of participating in an approved game.

215. A person must not impersonate a Poker Room Licence holder, a key employee, house-dealer, a member of the Commission or anyone acting in an official capacity under the Law or these Regulations.

216. Members of the Commission and anyone acting in an official capacity under the Law or these Regulations must not ask for, receive or obtain, or agree to receive or obtain, any money, property or benefit of any kind for himself or another person for an improper purpose.
217. A person must not give, confer or obtain, or promise or offer to give, confer or obtain, any money, property or benefit of any kind to, on or for a member of the Commission and anyone acting in an official capacity under the Law or these Regulations for an improper purpose.
218. For the purposes of the foregoing sections, "improper purpose" includes:
- (a) for the Official to forego or neglect the Official's functions under the Law or these Regulations;
  - (b) for the Official to use, or take advantage of, the Official's office improperly to gain a benefit or advantage for, or facilitate the commission of an offence against the Law or these Regulations, or
  - (c) to influence the Official in the performance of the Official's functions under the Law or these Regulations.
219. Other than a house-dealer, an employee, whether a key employee or not, of a Poker Room Licence holder must not take part in an approved game in the poker room in which he or she is employed.
220. The Commission may, upon receipt of a written request from a Poker Room Licence holder, waive the requirements of section 219 for a specific special event to be conducted by the Poker Room Licence holder in which the employees of a Poker Room Licence holder are allowed to participate.
221. Any prize won by a person by participation in an approved game contrary to the foregoing sections is forfeited to the Commission. The Commission will disburse any such forfeited prizes to community organizations within the Territory.

*Independence of  
Commission and  
Officials*

222. Members of the Commission and anyone acting in an official capacity, including staff, under the Law or these Regulations must not take part in any approved game.
223. Members of the Commission and anyone acting in an official capacity under the Law or these Regulations must not:
- (a) accept or solicit employment from a Poker Room Licence holder;

- (b) be an employee in any capacity of a Poker Room Licence holder or an agent; or
- (c) knowingly have, directly or indirectly, a business or financial association with a Poker Room Licence holder.

224. In the event a member of the Commission or anyone acting in an official capacity under the Law or these Regulations knowingly has, directly or indirectly, a business or financial association or interest with another person who is an applicant for an Poker Room Licence, immediately after the member of the Commission and anyone acting in an official capacity under the Law or these Regulations becomes aware that the other person is an applicant for a Poker Room Licence, the member or Official must give written notice of the member or Official's association or interest to the Commission and the Commission will by written notice given to the member or Official, direct the member or Official to end the association, or give up the interest, within the time stated in the notice. Failure to comply with such direction will result in the immediate termination of the member's position on the Commission or the Official's employment by the Commission.

*Inspectors* 225. The following persons are Inspectors for the purposes of these Regulations:

- (a) members of the Commission, when the member identifies himself or herself as acting in the capacity of an Inspector;
- (b) a person holding an appointment as an Inspector under this Part (an "Appointed Inspector");
- (c) a person who holds an appointment as an Inspector under a corresponding law and is authorized in writing by the Commission to act as an Inspector under these Regulations (an "External Inspector").

*Investigation of Inspectors* 226. The Kahnawá:ke Peacekeepers, or any other agency the Commission may appoint for the purpose, may investigate a person to help the Commission decide whether the person is suitable to be an Inspector.

227. The Commission may approve a program for investigating Appointed Inspectors at any time in order to verify whether or not the person is suitable to be an Inspector.

228. If the Commission conducts an investigation with regard to an appointment of a person as an Inspector or the verification of an Appointed Inspector, the Commission may request a criminal background check to be provided by the Kahnawá:ke Peacekeepers or such other agency as the Commission may appoint for the purpose.

- Powers of Inspectors*
229. An Inspector has the powers given under these Regulations.
230. An Inspector is subject to the directives of the Commission in exercising those powers.
231. An Inspector's powers may be limited:
- (a) as a condition of the Inspector's appointment, or
  - (b) by written notice given by the Commission to the Inspector.
- Identification cards*
232. The Commission must issue each Inspector an Identification Card which:
- (a) includes a recent photograph of the Inspector;
  - (b) is signed by the Inspector and a Member of the Commission;
  - (c) includes an expiry date;
  - (d) identifies the person as an Inspector under these Regulations.
233. A person who ceases to be an Inspector must return the person's Identification Card to the Commission immediately or where not practical no later than fifteen (15) days after the date on which he or she ceased to be an Inspector.
234. An Inspector may exercise a power in relation to someone else only if the Inspector either produces the Inspector's Identification Card for the other person's inspection or has the Identification Card displayed so it is clearly visible to the other person.
235. If for any reason it is not practical to comply with the foregoing section before exercising the power, the Inspector must produce the Identification Card for the other person's inspection at the first reasonable opportunity.
- Power of Inspector to enter premises*
236. An Inspector may, without the consent of the occupier of a premises or a warrant issued by a court of competent jurisdiction enter:
- (a) a public place;
  - (b) a place where an approved game is being, or is about to be conducted, or
  - (c) a place where a Poker Room Licence holder carries on business at any time when the place is open for carrying on business or otherwise open for entry.

237. Unless an Inspector is authorized to enter a place under the foregoing section, an Inspector may enter a place only if its occupier consents to the entry or if the entry is authorized by a warrant issued by the Court of Kahnawá:ke or other competent authority.

238. This section applies if an Inspector intends to ask an occupier of a place to consent to the Inspector or another Inspector entering the place. Before asking for the consent, the Inspector must tell the occupier:

- (a) the purpose of the entry, and
- (b) that the occupier is not required to consent.

239. If the consent is given, the Inspector may ask the occupier to sign an acknowledgement of the consent (the "Consent Acknowledgment").

240. The Consent Acknowledgement must state that the occupier has been told:

- (a) the purpose of the entry;
- (b) that the occupier is not required to consent;
- (c) the occupier gives the Inspector consent to enter the place and exercise powers under this Part, and
- (d) the time and date consent was given.

241. If the occupier signs the Consent Acknowledgement, the Inspector must promptly give a copy to the occupier and to the Commission.

*Warrant to enter premises*

242. An Inspector may apply to the Court of Kahnawá:ke or other competent authority for a warrant to enter a premise. The application must be sworn and state the grounds on which the warrant is sought.

243. The Court of Kahnawá:ke or other competent authority may issue a warrant only if it is satisfied there are reasonable grounds for suspecting:

- (a) there is a particular item or activity that may provide evidence of an offence against the Law, these Regulations or other law applicable within the Territory and;
- (b) the evidence is at the place or may be at the place within the next seven (7) days.

244. The warrant must state:

- (a) that an Inspector may with necessary and reasonable help and force enter the place and exercise the Inspector's powers under this Part;
- (b) the offence for which the warrant is sought;
- (c) the evidence that may be seized under the warrant;
- (d) the hours of the day or night when the place may be entered, and
- (e) the date, within fourteen (14) days after the warrant's issue, the warrant ends.

*Powers of Inspector  
after entering  
premises*

245. For monitoring or enforcing compliance with the Law or these Regulations or any other law applicable within the Territory, the Inspector may:

- (a) search any part of the place;
- (b) inspect, measure, test, photograph or film any part of the place or anything at the place;
- (c) take an item, or a sample of or from an item, at the place for analysis or testing;
- (d) copy a document at the place;
- (e) access, electronically or in some other way, a system used at the place for conducting an approved game or for administrative purposes related to the conduct of an approved game;
- (f) take into or onto the place any person, equipment and materials the Inspector reasonably requires for exercising a power under this Part;
- (g) require the occupier of the place, or a person at the place, to give the Inspector reasonable help to exercise the Inspector's powers under paragraphs (a) to (f), or
- (h) require the occupier of the place, or a person at the place, to give the Inspector information to help the Inspector ascertain whether the Law, these Regulations or any other law applicable within the Territory is being complied with.

*Failure to help  
Inspector*

246. When making a requirement mentioned in subsection these Regulations, an Inspector must warn the person it is an offence to fail to comply with the requirement.

247. A person required to give reasonable help to an Inspector must comply with the requirement.

248. A person of whom a requirement is made under these Regulations must comply with the requirement.

*Seizure of documents and items*

249. An Inspector who enters places that may be entered under these Regulations without the consent of the occupier and without a warrant, may seize documents or items at the places if the Inspector reasonably believes the documents or items are evidence of an offence against the Law, these Regulations or any law applicable within the Territory.

250. If the Inspector enters the place with the occupier's consent, the Inspector may seize any document or item at the place if:

(a) the Inspector reasonably believes the document or item is evidence of an offence against the Law, these Regulations or any law applicable within the Territory; and

(b) seizure of the document or item is consistent with the purpose of entry as told to the occupier when asking for the occupier's consent.

251. If the Inspector enters the place with a warrant, the Inspector may seize the documents or items for which the warrant was issued.

252. The Inspector may also seize any other documents or items at the place if the Inspector reasonably believes:

(a) the documents or items relate to an offence against the Law, these Regulations or any law applicable within the Territory; and

(b) the seizure is necessary to prevent the documents or items being:

(i) hidden, lost or destroyed; or

(ii) used to continue, or repeat, the offence.

253. The Inspector may seize documents or items at the place if the Inspector reasonably believes they are being, have been, or are about to be, used in committing an offence against the Law, these Regulations or any law applicable within the Territory.

*Securing documents and items after seizure*

254. Having seized documents or items, an Inspector may:

(a) move the documents or items from the place where they were seized (the "place of seizure") to a secure location under the exclusive control of

the Commission, or

(b) leave the documents or items at the place of seizure but take reasonable action to restrict access to them.

255. If an Inspector restricts access to documents or items subject to seizure, a person must not tamper, or attempt to tamper with the documents or items, or any means used to restrict access to the documents or items, without an Inspector's approval.

*Powers to support seizure*

256. To enable documents or items to be seized, an Inspector may require the person in control of them:

(a) to take them to a stated reasonable place by a stated reasonable time; and

(b) if necessary, to remain in control of them at the stated place for a reasonable time.

257. The requirement:

(a) must be made by notice in the approved form; or

(b) if for any reason it is not practical to give the notice, may be made orally and confirmed by notice in the approved form as soon as practical.

258. A further requirement may be made under this section about the same documents or items if it is necessary and reasonable to make the further requirement.

*Receipts*

259. As soon as practical after an Inspector seizes documents or items, the Inspector must give a receipt for them to the person from whom they were seized.

260. However, if for any reason it is not practical to comply with the foregoing section, the Inspector must leave the receipt at the place of seizure in a conspicuous position and in a reasonably secure way.

261. The receipt must describe generally each document or item seized and its condition.

262. This section does not apply to documents or items if it is impractical or would be unreasonable to give the receipt, given the nature, condition and value of the documents or items.

*Forfeiture*

263. Documents or items that have been seized under these Regulations are

forfeited to the Commission if the Inspector who seized the documents or items:

- (a) cannot find their owner, after making reasonable inquiries;
- (b) cannot return them to their owner, after making reasonable efforts; or
- (c) reasonably believes it is necessary to retain the documents or items to prevent them from being used to commit an offence against the Law, these Regulations or any law applicable within the Territory.

264. In applying the foregoing section:

- (a) subsection (a) does not require the Inspector to make inquiries if it would be unreasonable to make inquiries to find the owner; and
- (b) subsection (b) does not require the Inspector to make efforts if it would be unreasonable to make efforts to return the documents or items to their owner.

265. If the Inspector decides to forfeit documents or items under these Regulations, the Inspector must tell the owner of the decision by written notice.

266. The foregoing section does not apply if:

- (a) the Inspector cannot find the owner, after making reasonable inquiries; or
- (b) it is impractical or would be unreasonable to give the notice.

267. The notice must state:

- (a) the reasons for the decision;
- (b) that the owner may appeal against the decision to the Commission within twenty-eight (28) days;
- (c) how the appeal may be made; and
- (d) that the owner may apply for a stay of the decision if the owner appeals against the decision.

268. In deciding whether inquiries or efforts are to be made or notice given about a document or item, the document or item's nature, condition and value must be considered.

269. If documents or items have been seized but not forfeited, the Inspector must return them to their owner:
- (a) at the end of six (6) months; or
  - (b) if a proceeding for an offence involving the documents or items is started within six (6) months, at the end of the proceeding or any appeal from the proceeding.
270. A document or item must be returned to its owner once the Inspector determines its evidentiary value has ceased.
271. Until documents or items that have been seized are forfeited or returned, an Inspector must allow their owner to inspect them and, if it is a document, to copy it unless it is impractical or would be unreasonable to allow the inspection or copying.
- Direction to stop using an item* 272. This section applies if an Inspector reasonably believes:
- (a) an item used in the conduct of an approved game is unsatisfactory for the purpose for which it is used; and
  - (b) the continued use of the item may:
    - (i) jeopardize the integrity of the conduct of approved games; or
    - (ii) adversely affect the public interest.
273. The Inspector may direct the person who has, or reasonably appears to have, authority to exercise control over the item to stop using the item, or allowing the item to be used, in the conduct of approved games.
274. A direction given to a person under the foregoing section (a "Stop Direction") may be given orally or by written notice (a "Stop Notice").
275. However, if the direction is given orally, it must be confirmed by written notice (also a "Stop Notice") given to the person as soon as practical.
276. A Stop Direction may be given for an item at a place occupied by a Poker Room Licence holder, an agent or other person involved within the Territory in the conduct of an approved game.
277. A Stop Direction does not apply to a use of an item carried out for repairing or testing the item.

278. A Stop Notice must state:
- (a) the grounds on which the Inspector believes the item is unsatisfactory; and
  - (b) the circumstances, if any, under which the Stop Direction may be cancelled.
279. A person to whom a Stop Direction is given must comply with the direction.
280. This section applies if:
- (a) an Inspector finds a person committing an offence against the Law, these Regulations or any law applicable within the Territory; or
  - (b) an Inspector finds a person in circumstances that lead, or has information that leads, the Inspector reasonably to suspect the person has just committed an offence against the Law, these Regulations or any law applicable within the Territory.
281. The Inspector may require the person to state the person's name and residential address.
282. When making the requirement, the Inspector must warn the person that it is an offence to fail to state the person's name or residential address.
283. The Inspector may require the person to give evidence of the correctness of the stated name or residential address if the Inspector reasonably suspects the stated name or address to be false.
284. A person of whom a requirement is made under the foregoing section must comply with the requirement.
285. An Inspector may require (a "Document Production Requirement") a person to produce or make available for inspection by the Inspector at a reasonable time and place nominated by the Inspector:
- (a) a document issued to the person under the Law, these Regulations or any law applicable within the Territory;
  - (b) a document required to be kept by the person under the Law, these Regulations or any law applicable within the Territory;
  - (c) if the person is a Poker Room Licence holder , a document kept by the Poker Room Licence holder about the conduct of approved games by the Poker Room Licence holder; or

(d) if the person is an agent, a document kept by the agent about the conduct of approved games by the Poker Room Licence holder by whom the agent is appointed.

286. The Inspector may retain the original of the document or, in his sole discretion, copy it and return the original to the owner of the document.

287. If the Inspector copies the document, or an entry in the document, the Inspector may require the person responsible for keeping the document to certify the copy as a true copy of the document or entry.

*Power to require  
attendance of  
persons*

288. An Inspector may require a person, or an executive officer of a corporation, of whom a Document Production Requirement has been made to appear before the Inspector to answer questions or give information about the document to which the Document Production Requirement relates.

289. An Inspector may require any of the following persons to appear before the Inspector to answer questions or give information about the operations of a Poker Room Licence holder:

(a) the Poker Room Licence holder or, if the Poker Room Licence holder is a corporation, an executive officer of the Poker Room Licence holder;

(b) an employee of the Poker Room Licence holder;

(c) an agent for the Poker Room Licence holder or, if the agent is a corporation, an executive officer of the corporation;

(d) an employee of an agent mentioned in paragraph (c);

(e) another person associated with the operations or management of:

(i) the Poker Room Licence holder; or

(ii) an agent mentioned in paragraph (c).

290. An Inspector may require any of the following persons to appear before the Inspector to answer questions or give information about an agent's operations:

(a) the agent or, if the agent is a corporation, an executive officer of the agent;

(b) an employee of the agent;

- (c) the Poker Room Licence holder that is the agent's principal or, if the principal is a corporation, an executive officer of the corporation;
- (d) another person associated with the operations or management of:
  - (i) the agent; or
  - (ii) the Poker Room Licence holder that is the agent's principal.

291. A requirement made of a person under this section must:

- (a) be made by written notice given to the person; and
- (b) state a reasonable time and place for the person's attendance.

292. When making the requirement, the Inspector must warn the person that it is an offence to fail to comply with the requirement.

293. A person of whom a requirement is made under this Part must not:

- (a) fail to appear before the Inspector at the time and place stated in the notice imposing the requirement; or
- (b) when appearing before the Inspector:
  - (i) fail to comply with a requirement to answer a question or give information; or
  - (ii) state anything the person knows to be false or misleading.

*Forfeiture on conviction*

294. On conviction of a person for an offence against these Regulations, the Court may order the forfeiture to the Commission of:

- (a) anything used to commit the offence; or
- (b) anything else which is the subject of the offence.

295. The Court may make the order:

- (a) whether or not the item has been seized; and
- (b) if the item has been seized, whether or not the item has been returned to its owner.

296. The Court may make any order to enforce the forfeiture it considers appropriate.

297. On the forfeiture of an item to the Commission, the item becomes the Commission's property and may be dealt with by the Commission as the Commission considers appropriate.

298. Without limiting the generality of the foregoing section, the Commission may destroy the forfeited item or sell the forfeited item at public auction and disburse the net proceeds to community organizations within the Territory.

*Notice of damage*

299. This section applies if:

(a) an Inspector damages something when exercising or purporting to exercise a power; or

(b) a person acting under the direction of an Inspector damages something.

300. The Inspector must promptly give written notice of particulars of the damage to the person who appears to the Inspector to be the owner of the item.

301. If the Inspector believes the damage was caused by a latent defect in the item or circumstances beyond the Inspector's control, the Inspector may state that belief in the notice.

302. If, for any reason, it is impractical to comply with the foregoing section, the Inspector must leave the notice in a conspicuous position and in a reasonably secure way where the damage happened.

303. This section does not apply to damage the Inspector reasonably considers trivial.

*Protecting Officials  
from liability*

304. In these Regulations, "Official" or "anyone acting in an official capacity" means,

(a) a Member of the Commission;

(b) an Inspector; or

(c) a person acting under the direction of an Inspector.

305. An Official is not civilly or criminally liable for an act done, or omission made, honestly and without negligence under these Regulations.

306. An Official is not liable for the acts or omissions of a Poker Room Licence holder or for any losses or damages incurred by a person who participates in an approved game or who otherwise incurs losses or damages within, near or associated with a poker room.

*General  
enforcement  
offences*

307. A person must not state anything to an Inspector the person knows to be false or misleading.
308. A person must not give an Inspector a document containing information the person knows to be false, misleading or incomplete.
309. The foregoing section does not apply to a person if the person, when giving the document:
- (a) tells the Inspector, to the best of the person's ability, how it is false, misleading or incomplete; and
  - (b) if the person has, or can reasonably obtain, the correct information and gives the correct information.
310. A person must not make an entry in a document required or permitted to be made or kept under these Regulations knowing the entry to be false, misleading or incomplete.
311. A person must not obstruct an Inspector in the exercise of a power or someone helping an Inspector in the exercise of a power.

*Decisions not  
subject to appeal or  
review*

312. Except as otherwise provided in these Regulations, a decision of the Commission made, or appearing to be made, under the Law or these Regulations about a Poker Room Licence, a person with an interest or potential interest in a Poker Room Licence or the operations of a poker room:
- (a) is final and conclusive;
  - (b) cannot be challenged, appealed against, reviewed, quashed, set aside, or called in question in another way, and
  - (c) is not subject to any writ or order of any court, a tribunal or another entity on any ground.

*Proceedings for  
offences*

313. An offence against any provision in these Regulations concerning dishonestly obtaining a benefit, forgery, impersonation or bribery, is an indictable offence.
314. Any other offence against these Regulations is a summary conviction offence.
315. A proceeding for an indictable offence or a summary conviction offence under these Regulations shall be heard at the Court of Kahnawá:ke or other court of competent jurisdiction.

316. If a Business Entity commits an offence against a provision of these Regulations, each of the Business Entity's key employees and directors also commits an offence, namely, the offence of failing to ensure that the Business Entity complies with the provision.
317. Evidence that the Business Entity has been convicted of an offence against a provision of these Regulations is evidence that each of the Business Entity's key employees and directors committed the offence of failing to ensure that the Business Entity complies with the provision.
318. However, it is a defence for a key employee or director to prove:
- (a) if the key employee or director was in a position to influence the conduct of the Business Entity in relation to the offence-the key employee or director exercised reasonable diligence to ensure the corporation complied with the provision; or
  - (b) the key employee or director was not in a position to influence the conduct of the Business Entity in relation to the offence.
319. A person who attempts to commit an offence against the Law or these Regulations commits an offence.
320. Unless another fine is specifically provided, if the Commission, in its sole discretion determines a Poker Room Licence holder, key employee or house-dealer has breached any provision of these Regulations, the Commission may impose a fine for each instance of such breach of not less than One Thousand (\$1,000.00) Dollars and not more than Twenty Thousand (\$20,000.00) Dollars.
321. Unless the Commission otherwise directs, all fines imposed by the Commission in accordance with the foregoing section 320 must be to the Commission, in full, not more than thirty (30) days after the date on which the fine is imposed, failing which the Commission may impose such additional sanctions, including additional fines, as it sees fit.

*Service* 322. Service of any notice provided for in these Regulations may be affected by personal service, registered mail, facsimile transmission or e-mail to the Poker Room Licence holder or their agent. Except as otherwise provided in these Regulations, other than for personal service, service is effective from the moment the notice is sent. Personal service is effective from the moment the notice is received by the Poker Room Licence holder.

*Confidentiality of information* 323. Except where otherwise specifically set out herein, all information provided to or obtained by the Commission or its agents under these Regulations will be treated as confidential information and will not be used by the Commission or

its agents for any purpose other than the purpose for which the information was provided or obtained.

324. A person who is, or was, an Inspector, Official, employee or Member of the Commission, must not disclose confidential information gained by the person in performing functions under these Regulations. This obligation continues to have effect after the Inspector, Official, employee or Member of the Commission ceases to be employed or to hold office.

325. The foregoing section 324 does not apply to the disclosure of information by a person:

(a) for a purpose under the Law, these Regulations or any other law applicable within the Territory;

(b) with a lawful excuse; or

(c) under an approval of the Commission.

326. Before giving an approval for disclosure of confidential information, the Commission must:

(a) give written notice of the proposed approval to any person whom the Commission considers likely to be affected adversely by the disclosure; and

(b) give the person the opportunity of making a submission about the proposed approval within the time stated in the notice, not to be less than fourteen (14) days.

*Forms* 327. The Commission may approve forms for use under these Regulations.

*Payments* 328. All payments required under these Regulations must be in Canadian dollars and paid by certified cheque, bank draft or wire transfer.

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