



## REGULATIONS CONCERNING POKER ROOMS

These Regulations were enacted by the Kahnawake Gaming Commission on 03 Kenténha/October, 2007 and last amended on 26 Tsothohrkó:wa/January 2021 pursuant to Section 24 of the *Kahnawake Gaming Law*.

- Preamble** 1. The Commission, pursuant to a directive from the Mohawk Council of Kahnawake, and to maintain order, fairness and high standards in and for gaming activities operating within the Mohawk Territory of Kahnawake (the "Territory"), have determined that it is necessary to licence and regulate poker rooms within the Territory.
- Jurisdiction** 2. The Commission may, subject to the provisions of the *Kahnawake 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 operating within the Territory.
- Harmonization** 3. These Regulations may serve as a basis for the harmonization of regulatory schemes concerning poker 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 Kahnawa'keró: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 Kahnawake;

(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, offering or participating in a poker game within the Territory is prohibited.

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

**Definitions** 7. For the purposes of these Regulations:

“applicant” means any person who has applied for a poker room licence, a key person permit, a dealer permit or a temporary dealer permit, including a renewal application;

“application” includes an application to the Commission for a poker room licence, a key person permit, a dealer permit or a temporary 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 game” means a game set out in Schedule “A” to these Regulations;

“approved gaming area” means the specific area or areas within a poker room that are approved by the Commission and within which approved games may be played;

“approved parking area” means the area or areas that are approved by the Commission where the vehicles of a poker room’s staff and players must be parked;

“authorized representative” means a person that the Commission has authorized to act as its representative for the purposes of these Regulations, including;

- (a) members of the Commission, when the member identifies himself or herself as acting in the capacity of an authorized representative;
- (b) a person holding an appointment as an authorized representative (an "appointed authorized representative"), including but not limited to a compliance officer;
- (c) a person who holds an appointment as an authorized representative under a corresponding law and is authorized in writing by the Commission to act as an authorized representative under these Regulations (an "external authorized representative").

"dealer" means a person who is employed or contracted by a poker room, and who holds a dealer permit, to deal cards to players, to distribute and collect chips and to perform related duties;

"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 dealer;

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

"gaming activities" means offering or conducting a game of chance, or a game of mixed chance and skill, in which the player wagers money or something of value, for a chance to win a monetary or non-monetary prize;

"gaming equipment" means any equipment or apparatus that:

- (a) could influence the outcome of an approved game, or
- (b) is integral to the conduct, management or operation of an approved game;

and without limiting the generality of the foregoing, includes cards, chips and tables that are used in a poker room;

"gaming service" means any service or system that:

- (a) could influence the outcome of an approved game, or
- (b) is integral to the conduct, management or operation of an approved game;

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

“Kahnawa’keró:non” means a person identified as a Mohawk by the Kahnawake Membership Law, as it may be amended from time to time;

“Kahnawake social clubs” means the following social clubs that have been approved by the community of Kahnawake:

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

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

“key person” means an individual that is employed or contracted by a poker room to act in a managerial or supervisory capacity and who performs one or more of the following functions:

- (a) facilitates and oversees any approved games or the gaming operations of the poker room;
- (b) manages or supervises staff of the poker room, including but not limited to dealers; and
- (c) makes discretionary decisions concerning any interpretations of the rules of an approved game consistent with the Regulations and in the interests of fairness and honesty;
- (d) makes or participates in the making of decisions affecting the operations of the poker room;
- (e) performs any function that relates to or affects the financial affairs of the poker room;
- (f) acts as the primary contact between a poker room and the Commission and its administration.

For greater certainty, key persons may include, but are not limited to:

- (a) executives, managers, financial officers and supervisors of a poker room;
- (b) any individual who has entered into a contract, subcontract or agreement with a poker room, if such contract, subcontract or agreement provides for the person to exercise the authority described herein;

(c) any other person designated by the Commission as a key person;

but does not include an individual who is the holder of a poker room licence.

"key person permit" means a permit issued by the Commission in accordance with these Regulations authorizing the holder to be associated with a poker room as a key person;

"Land Based Gaming Facility" means a poker room, as defined by these Regulations, or an EGD Facility, as defined by the Regulations concerning Electronic Gaming Devices;

"Land Based Gaming Facility Operator" means a person or persons to whom the Commission has issued a poker room licence; a Conditional EGD Operator's Licence or an EGD Operator's Licence (as defined by the Regulations concerning Electronic Gaming Devices), or a person that has been added to any of the aforementioned licences as a result of an amendment granted by the Commission in accordance with the provisions of these Regulations or the Regulations concerning Electronic Gaming Devices;

"licence" includes a poker room licence, key person permit, dealer permit and temporary dealer permit;

"material change" means a change that affects an applicant or poker room licence holder, key person permit holder or dealer permit holder including but not limited to:

(a) in the case of a poker room licence holder:

- (i) the appointment of a new director;
- (ii) 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;
- (iii) the addition of a new partner or co-licensee, including any person that will share in the revenues and/or the liabilities of the poker room;
- (iv) the addition of a new investor, management company, consultant or any other person that will have a significant role in the financing, operation or management of the poker room;
- (v) the addition, termination or change in functions of a key person that is associated with the poker room;

- (vi) a change to the poker room's building or approved gaming area 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;
  - (vii) a request to change the maximum number of poker tables permitted in a poker room, to either add or remove poker tables;
  - (viii) the imposition of a criminal charge or criminal conviction;
  - (ix) being named as a party to a civil action; whether as a Plaintiff; Defendant or Third Party;
  - (x) filing or being petitioned into bankruptcy;
- (b) in the case of an individual holder of a key person permit or dealer permit, being charged or convicted of a criminal offense;
  - (c) in all cases, a change to the contact information previously provided to the Commission.

"person" includes any individual, 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 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 a building located within the Territory that is open to the public and within which a poker room licence holder is authorized to offer approved games in an approved gaming area, but does not mean a private residence in which the game of poker is played by participants that are personally known to the owner of the residence and where there is no rake taken or other fee charged to participants. For greater certainty, a poker room includes all areas within the poker room building, including but not limited to restaurants, bars, lounges and staff areas;

"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 or persons to whom the Commission has issued a poker room licence, or a person that has been added to a poker room licence as a result of an amendment granted by the Commission in accordance with the provisions of these Regulations;

“rake” means the fee or percentage 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;

“rules of play” mean the rules that govern the playing of approved Games, both cash (“house rules”) and tournament games;

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

“special event” means an event during which poker games are to be conducted that is not authorized under an existing poker room licence due to the number of tables to be used, the location of the event, the hours during which the event is to be conducted or for any other reason;

“supplier” means a person who manufactures, provides, installs, maintains or repairs gaming equipment for use in a poker room or provides a service to a poker room licence holder that contributes to the operation, management or administration of the poker room;

“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;

“temporary dealer permit” means a person who is receiving on-the-job training to be a dealer and who has been issued a temporary dealer permit;

“Territory” means the Mohawk Territory of Kahnawake;

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

***Kahnawake Social Clubs*** 8. For greater certainty, Kahnawake social clubs are subject to all provisions of these Regulations.

***Building and parking*** 9. The Commission will only issue and continue a poker room licence when:  
(a) the proposed poker room is a building that:  
(i) is wholly situated within the Mohawk Territory of Kahnawake;

- (ii) is wholly owned by, or leased to, one or more Kahnawa'keró:non or a business entity that is wholly owned by one or more Kahnawa'keró:non;
- (iii) has been inspected and approved in accordance with all applicable fire, safety and, if appropriate, health standards applicable within the Territory;
- (iv) is 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
- (v) is designed for commercial purposes and is not a private residence;

(b) the proposed parking area, in the Commission's sole discretion:

- (i) is wholly situated within the Mohawk Territory of Kahnawake;
- (ii) is wholly owned by, or leased to, the same person, persons or business entity that is to hold the poker room licence;
- (iii) is adequately sized and positioned to service the operations of the poker room;
- (iv) is safe for its intended use, is adequately lit at night and is fully monitored by security personnel and/or cameras.

***Poker room licence holder responsible for building*** 10. For greater certainty, a poker room licence holder, and not the Commission, is solely responsible for ensuring that the design, engineering and construction of a building in which a poker room is located, including renovations or alterations to the building, are professionally inspected, approved and implemented.

***Prohibition*** 11. 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.

***No activities in breach*** 12. A poker room licence holder must ensure that no activities take place within, near or in relation to the poker room or approved parking area that are in breach of these Regulations or of any other law applicable within the Territory.

<i>Zero tolerance on illegal drugs</i>	12.1	Poker room licence holders must have in effect at all times a Zero Tolerance on Illegal Drugs Policy (the "Policy") applicable to the poker room and the poker room's approved parking area.
<i>Application of Policy</i>	12.2	The Policy must be applicable to all persons, including employees, agents, suppliers and players, that are within the poker room or the poker room's approved parking area.
<i>Mandatory provisions of Policy</i>	12.3	The Policy must include the following provisions: <ul style="list-style-type: none"> <li>(a) any employee, agent or supplier that is found to be in possession of, or sells to another person, an illegal drug, will be terminated immediately and banned from the poker room and the poker room's approved parking area;</li> <li>(b) any player or other person within the poker room or the poker room's approved parking area, who is found to be in possession of, or sells to another person, an illegal drug, will be immediately banned from the poker room and the poker room's approved parking area; and</li> <li>(c) in all cases where a person is found to be in possession of, or sells to another person, an illegal drug, the poker room licence holder will immediately report the incident to the Kahnawake Peacekeepers and to the Commission.</li> </ul>
<i>Promulgating the Policy</i>	12.4	Each poker room licence holder is responsible for promulgating the Policy and for ensuring that its employees, agents, suppliers, players and any other persons associated with the poker room, are aware of the Policy.
<i>Enforcement of Policy</i>	12.5	Each poker room licence holder is responsible for ensuring the Policy is strictly enforced at all times.
<i>Approved games</i>	13.	A poker room licence holder is permitted to conduct the approved games that are listed in Schedule "A" to these Regulations and is prohibited from offering or conducting any other gaming activities that are not licensed and regulated by the Commission.
<i>Player banked</i>	14.	All approved games under these Regulations must be player banked games.
<i>Approved gaming area</i>	15.	Approved games may be played only within the specific approved gaming area that is designated by the Commission.
<i>Dealers</i>	16.	Approved games must be played with a dealer. Dealers must be licensed in accordance with these Regulations.

***Content of application***

17. 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, or partner of the applicant;
  - (c) a completed key person permit application, attached as Schedule "F", in respect of each key person to be employed or contracted by the poker room;
  - (d) a completed dealer permit Application, attached as Schedule "G", in respect of each dealer to be employed or contracted 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 person permit fees for up to three (3) key person permits; 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).

***Application costs***

18. 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.

***Five stages***

19. The Commission will consider an application for a poker room licence in five (5) stages:
- (a) receipt and review of application, forms and fees;
  - (b) due diligence investigations on the applicant and proposed investors, managers and other principals;
  - (c) thirty (30) day community consultation;

- (d) review of building, parking areas and equipment to be used in the proposed poker room;
  - (e) final decision to grant or deny application.
- Deadlines for completion*** 20. The Commission may establish deadlines for the completion of any stage of the application process.
- Satisfying each stage*** 21. The Commission will decide whether an applicant has satisfied the requirements of each stage before the next stage is considered. In the event an applicant does not satisfy the requirements of any particular stage, the Commission will:
- (a) return the application to the applicant with the appropriate direction, or
  - (b) deny the application.
- Commission decision*** 22. Following the successful completion of the first four (4) stages described in section 19, the Commission will:
- (a) grant the application and issue a poker room licence;
  - (b) deny the application, or
  - (c) return the application to the applicant with the appropriate direction.
- Discretion*** 23. The Commission, in its sole discretion, may refuse to accept an application, deny an application at any stage of the application process, suspend or revoke an existing poker room licence or amend these Regulations to increase the maximum number of poker tables permitted in a poker room when:
- (a) the location or proposed location of a poker room is likely to disturb or endanger, or is disturbing or endangering, the community of Kahnawake;
  - (b) the location or proposed location of a poker room is in close proximity to a school, church or other public institution within the Territory, or
  - (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 Territory.
- Reasons for denial*** 24. In the event an application is denied, subject to confidentiality, unless such confidentiality is waived, or security restrictions, the Commission will give its reasons for the denial in writing to the applicant and, provided that the costs incurred by the Commission in processing the application have been satisfied, may return some or all of the application fee.
- Investigations*** 25. In addition to any other requirement set out in these Regulations, the Commission may conduct such investigations at it deems necessary

pertaining to a poker room, an incident in a poker room, a poker room licence holder, an employee or contractor providing services to a poker room, a supplier, a player complaint or any matter that the Commission deems appropriate. In the event a poker room licence holder or key person fails or refuses to cooperate with a Commission investigation, the Commission may, in its sole discretion, may suspend or revoke the poker room licence or key person permit.

***Conditions for granting or denying an application***

26. 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 Kahnawa'keró:non persons or a business entity which is wholly owned by one or more Kahnawa'keró: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 or partner is suitable to be associated with an applicant's operations.

***Application***

27. An application for a poker room licence must be submitted to the Commission in the form attached as Schedule "C" to these Regulations.

***Suitability of applicants***

28. 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:
    - (i) personal, professional and business associations;
    - (ii) history of criminal convictions;
    - (iii) history of civil litigation;
    - (iv) credit history or bankruptcies;
    - (v) personal and professional references;
    - (vi) education, training and work history; and
    - (vii) 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, partner and key person, 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.

**Investigations** 29. The Commission, or such person as the Commission may appoint, will conduct a thorough investigation into the matters referred to in the foregoing section 28 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, and partner of the applicant.

**Prima facie evidence** 30. 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.

**Material change reports** 31. 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").

**Form** 32. A material change report must be in the form attached as Schedule "N" to these Regulations, 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.

**Costs** 33. 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.

- Failure to report*** 34. 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.
- Grounds for denial*** 35. In the case of an application, failure to report a material change is a sufficient ground for denial of the application.
- Decision*** 36. 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 approve, disapprove or 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.
- Poker room licences*** 37. A poker room licence will not be granted for a period of time exceeding five (5) years but may be renewed an unlimited number of times.
- Form of licence*** 38. 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;
  - (b) the legal description of the lands on which the poker room is located and a precise description of the approved gaming area and approved parking area, appended to the poker room licence;
  - (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.

**Conditions** 39. 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; and
- (b) is not valid unless and until the prescribed fees and tributes have been paid in full.

**Restrictions** 40. A gaming license may not be sold, transferred or otherwise assigned.

**Request to Temporarily Close** 41. In the event a Poker Room Licence holder wishes to temporarily close the poker room to the public for more than forty-eight (48) hours, the Poker Room Licence holder must submit to the Commission a Request to Temporarily Close in the form attached as Schedule "M" to these Regulations.

**Request to be Declared Dormant** 41.1 In the event a Poker Room Licence holder wishes to close the poker room to the public for more than six (6) months, the Poker Room Licence holder must submit to the Commission a Request to be Declared Dormant in the form attached as Schedule "O" to these Regulations.

41.2 A Request to be Declared Dormant will not be reviewed by the Commission unless, as of the date of the Request:

- (a) all outstanding licensing fees and tributes are paid in full;
- (b) all Licences and Permits are in good standing; and
- (c) all outstanding obligations to players and creditors have been satisfied.

41.3 Upon receipt, the Commission will review a Request to be Declared Dormant and will:

- (a) grant the Request and declare the poker room to be dormant, upon such terms and conditions as the Commission deems appropriate;
- (b) deny the Request, or
- (c) return the Request to the Poker Room Licence holder with the appropriate direction.

- 41.4 The Commission will determine the period of time that the poker room is to be dormant, to be at least six (6) months and not more than two (2) years (the “dormancy period”).
- 41.5 A dormancy period will not be extended for any reason.
- 41.6 Upon receipt of a written request from the Poker Room Licence holder, the Commission may give permission for a poker room to be re-opened to the public prior to the expiry of the full dormancy period, if the Commission is convinced that each of the terms and conditions referenced in section 41.2 herein, have been satisfied.
- 41.7 During a dormancy period, the Poker Room Licence holder:
- (a) must not offer private or “invitation only” games of any kind, including games that are offered under the pretext of training dealers;
  - (b) must prominently display signage at all entrances indicating that the poker room is closed and must ensure that existing signage and lighting is not illuminated and does not give the impression that the poker room is open to the public; and
  - (c) must remove or modify all other signage or advertising associated with the poker room to make it clear that the poker room is closed.
- 41.8 In the event the Commission grants a Request to be Declared Dormant, the Poker Room Licence holder must maintain at least one (1) Key Person, and pay the appropriate fees associated with the person’s Key Person Permit, throughout a dormancy period.
- 41.9 On or before the first six (6) months of a dormancy period has elapsed, the Commission will conduct a progress review of the steps taken by the Poker Room Licence holder during this time. The purpose of the review is to ensure the Commission is satisfied with the progress being made by the Poker Room Licence holder to re-open the poker room on or before the end of a dormancy period.
- 41.10 Following the initial six (6) month progress review and during the remainder of a dormancy period, the Poker Room Licence holder must provide the Commission with written reports on a quarterly basis, as the Commission otherwise directs.
- 41.11 At any time during a dormancy period, the Commission may require the Poker Room Licence holder to attend at a meeting with the Commission to provide additional information.

- 41.12 The initial progress review and subsequent written reports provided by the Poker Room Licence holder must, to the satisfaction of the Commission, demonstrate progress being made toward a re-opening of the poker room on or before the end of the dormancy period.
- 41.13 If, at any time during a dormancy period the Commission is not satisfied that the Poker Room Licence holder is making reasonable and verifiable progress toward a re-opening of the poker room on or before the end of a dormancy period, the Commission may revoke the Poker Room Licence in accordance with the procedures set out in these Regulations
- 41.14 In the event, for any reason, the poker room is not re-opened to the public on or before the end of a dormancy period, the Poker Room Licence will be immediately revoked without further notice or the necessity of a Show Cause Hearing.
- 41.15 There will be no reduction, credit or rebate for the licensing fees that are otherwise payable by a Poker Room Licence holder during a dormancy period.
- 41.16 The annual tribute payments otherwise payable by a Poker Room Licence holder will be suspended throughout the dormancy period and will be re-instated prospectively from the date on which the poker room is re-opened to the public.
- 41.17 The Poker Room Licence holder and its representatives must refrain from making any and all announcements, formal or informal, referring to current or upcoming activity in the poker room unless it is part of a re-opening process approved by the Commission.
- 41.18 Any announcements to be made by the Poker Room Licence holder about the poker room during a dormancy period must be reviewed and approved by the Commission before being made
- 41.19 The Commission will not receive, consider or grant a second Request to be Declared Dormant regarding a poker room for which a Request to be Declared Dormant has previously been granted. For greater certainty, this provision will apply despite the fact that the individual(s) who hold the Poker Room Licence or the name of the poker room has changed subsequent to the time the Request to be Declared Dormant was first granted.

***Not more than six months***

- 42. The Commission may suspend or revoke the Poker Room Licence for a poker room that is closed for more than six (6) consecutive months, or a cumulative total of six (6) months in any twelve (12) month period.

***Permission***

- 43. A Poker Room Licence holder must not temporarily close the poker room to the public until the Commission has reviewed the Request to Temporarily Close and has granted permission to temporarily close the poker room.

- Decision** 44. Upon receipt, the Commission will review a Request to Temporarily Close and will:
- (a) grant the request, upon such terms and conditions as the Commission deems appropriate;
  - (b) deny the request, or
  - (c) return the request to the Poker Room Licence holder with the appropriate direction.
- No private games** 45. A poker room that is temporarily closed to the public must not offer private or "invitation only" games of any kind, including games that are offered under the pretext of training dealers.
- Signage** 46. A poker room that is temporarily closed to the public must prominently display signage at all entrances indicating the period for which it is temporarily closed and must ensure that existing signage and lighting is not illuminated and does not give the impression that the poker room is open to the public.
- No reduction in fees** 47. There is no reduction, credit or rebate for the licensing fees and tribute otherwise payable by a Poker Room Licence holder for the period of time that a poker room is temporarily closed to the public.
- Adding licence holders** 48. Notwithstanding section 40, a poker room licence holder may apply to the Commission to have the poker room licence amended to add or delete the names of one or more individual poker room licence holders.
- Application to amend** 49. An application to amend a poker room licence made under the foregoing section 48 will be considered to be a material change; must be made in the form attached as Schedule "N" to these Regulations and must be accompanied by an application fee in the amount of Ten Thousand (\$10,000.00) Dollars.
- Deliberations** 50. Upon receipt of an application and application fee under the foregoing section 49, the Commission will deliberate as to whether:
- (a) any person that is to be added to the poker room licence is both eligible and suitable to hold a poker room licence, in accordance with the requirements of sections 26 and 28 of these Regulations; and
  - (b) the proposed amendment is likely to have a deleterious impact on the safety or security of the poker room's operations.
- Decision** 51. Following the completion of its deliberations, the Commission will:
- a) grant the application and direct that the poker room licence be amended as requested;

- b) deny the application, or
- c) return the application to the applicant with a request for additional information or other appropriate direction.

***Death or incapacity*** 52. In the event of the death or incapacity of a poker room licence holder, the executor of the licence holder's estate, or the licence holder's personal representative, must, within sixty (60) days after the death or incapacity of the licence holder, apply to have the poker room licence amended pursuant to section 49 of these Regulations, failing which the Commission may suspend or revoke the poker room licence.

***Special events*** 53. The Commission may, in its sole discretion, grant a special events licence that entitles the holder to conduct a special event during which approved games may be offered to the public.

***Eligibility*** 54. A special events licence may be issued to:

- (a) a poker room licence holder; or
- (b) a charitable or community-based organization recognized by the Commission.

***Special event in a poker room*** 55. When a special event for the benefit of a charitable or community-based organization is to be conducted in a poker room, the charitable or community based-organization will apply for the special events permit. The application must include the poker room licence holder's written consent to having the special event conducted in that poker room.

***Conditions*** 56. Any special event that is conducted pursuant to a special events licence must:

- (a) be conducted within fixed start and end dates, to be approved by the Commission;
- (b) be conducted within the permitted hours of operation;
- (c) be conducted in the approved gaming area of a poker room or other place approved by the Commission for the purpose of the special event;
- (d) be conducted by experienced and reputable dealers, for which the special events licence holder agrees to be responsible; and
- (e) offer only approved games;
- (f) offer only the number of poker tables that are authorized by the special events licence.

- Form** 57. A request for a special events licence must be in the form attached as Schedule "I" to these Regulations.
- Fees** 58. The licensing fee for a special events licence must accompany a fully written request in the form attached as Schedule "I" to these Regulations, and will be calculated at Fifteen (\$15.00) Dollars per day for each table, or in the case of a special events licence issued to a poker room licence holder, Fifteen (\$15.00) Dollars per day for each table that exceeds the poker room's authorized number of tables.
- Prima facie decision** 59. Upon receipt of a written request for a special events licence in the form attached as Schedule "I" to these Regulations, 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.
- Denial** 60. In the event the requesting party is unwilling or unable to comply with the provisions of the notification referred to in the foregoing section 59, the Commission will deny the request.
- Amendments** 61. The Commission will consider a request to amend a special events licence during its term to increase the number of tables that were approved in the original special events permit. In the event the Commission grants a request to amend a special events licence, an additional fee will be assessed based on formula set out in section 58 of this Regulation. The amended special events licence will not be valid unless and until the additional fee is paid in full.
- Mandatory notifications** 62. Notwithstanding any provision of these Regulations, a poker room licence holder must notify the Commission at least thirty (30) days prior to any event that departs from a poker room's usual operations, even if the event is not a special event, including but not limited to events that:
- (a) advertise a particular function, occasion or the participation of one or more celebrities;
  - (b) offer a special prize, bonus or other incentive to players;
  - (c) are likely to attract media attention.
- Renewal applications** 63. An application to renew a poker room licence, key person permit or dealer permit must be submitted to the Commission in the form attached as Schedule "H" to these Regulations (a "renewal application").
- Requested information** 64. To be considered by the Commission, a renewal application must contain all of the information requested in the form.

- Receipt of renewal application*** 65. 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 permit, or dealer permit.
- Costs*** 66. 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.
- Decision*** 67. The Commission will promptly consider the renewal application and will:
- (a) grant the renewal application and renew poker room licence, key person permit 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.
- Reasons for denial*** 68. In the event an application is denied, subject to confidentiality, unless such confidentiality is waived, or security restrictions, the Commission will give its reasons for the denial in writing to the applicant.
- Factors to consider*** 69. In deciding whether to grant a renewal application for a poker room licence, 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.
- Subject to Regulations*** 70. A poker room licence, key person permit and dealer permit that are renewed under this Part are subject to the all provisions of these Regulations, adapted as required.
- Amendments to poker room licences*** 71. The Commission may amend a term or condition of a poker room licence to restrict or limit the operations of a poker room 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.
- Amendment notice*** 72. 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, subject to confidentiality, unless such confidentiality is waived, and security restrictions, the reasons for the change.

- New terms or conditions*** 73. 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.
- Show cause procedure*** 74. Before amending a term or condition of a poker room licence, the Commission must follow the show cause procedures set out in these Regulations.
- Return of licence*** 75. The poker room licence holder must return the existing poker room licence to the Commission within seven (7) days of receiving the amendment notice.
- Sanctions*** 76. In the event the poker room licence holder fails or refuses to return the existing poker room licence to the Commission pursuant to section 75, 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.
- Decision*** 77. 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.
- Effective date*** 78. An amendment of terms or conditions of a poker room licence takes effect on the date set by the Commission.
- Suspending or revoking a poker room licence*** 79. 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 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.

***Show cause notice*** 80.

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.

***Show cause period*** 81.

The show cause period will be established by the Commission and will be specified in the show cause notice.

- Service*** 82. 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.
- Written representations*** 83. 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.
- Accepted representations*** 84. 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.
- Immediate amendment, suspension or revocation*** 85. 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 operations of the poker room or the conduct of approved games by the poker room licence holder is not jeopardized in a material way.
- Conditions*** 86. 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** 87. 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.

**Requests** 88. A hearing will only be conducted if the poker room licence holder requests a hearing within the show cause period.

**Hearing date** 89. 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.

**Evidence** 90. 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.

**Failure to attend** 91. 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** 92. 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 public interest may be affected in an adverse or material way; or
  - (ii) the integrity of the operations of the poker room or the conduct of approved games by the poker room licence holder may be jeopardized in a 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.

- Failure to comply with direction*** 93. 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 re-instatement as the Commission deems appropriate.
- Notice*** 94. 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.
- Effective date*** 95. A decision to amend, suspend or revoke a poker room licence takes effect on the date specified by the Commission.
- Reconsider duration*** 96. 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.
- Notice*** 97. The Commission must promptly serve written notice of its decision on the poker room licence holder.
- Opening hours*** 98. 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.
- Extension of opening hours*** 99. A poker room licence holder may apply to the Commission in writing to extend the hours of operation for up to twenty-four (24) hours a day, seven (7) days a week. The Commission will, in its sole discretion, decide whether to grant the extension.
- Rake*** 100. A poker room may take a rake from each pot of not more than ten (10%) percent of the pot.
- Amounts to be posted*** 101. The amounts of rakes taken must be clearly posted in the poker room
- Number of tables*** 102. Every poker room licence will specify the maximum number of tables that are permitted to operate in the poker room.
- Factors*** 103. The Commission will decide, in its sole discretion, the maximum number of tables for each poker room, taking into consideration the size and layout of the poker room, the proposed gaming area and any other factor the Commission deems to be relevant, including but not limited to security, traffic flow and available parking.

- Application to increase or decrease*** 104. An application by a poker room licence holder to increase or decrease the number of poker tables in a poker room will be considered to be a material change and must be made in the form attached as Schedule “N” to these Regulations.
- Limitation on applications*** 105. A poker room licence holder may not apply to increase or decrease the number of tables in a poker room more frequently than twice in any calendar year.
- Rules of play*** 106. Poker room licence holders must ensure that the rules of play for all approved Games that are offered in the poker room, both cash games and tournaments, are clearly displayed or readily available to all players. All approved Games offered in the poker room must be conducted in accordance with these rules of play.
- Security*** 107. Each poker room licence holder will maintain safety and security controls over the poker room and the approved parking area, and all operations therein, and those safety and security controls are subject to the approval of the Commission
- Additional controls*** 108. The Commission may direct a poker room licence holder to provide additional safety or security controls over a poker room and approved parking area if the Commission, in its sole discretion, deems it necessary to do so in the interests of safety and security for employees, players or the public.
- Mandatory tributes*** 109. Poker room licence holders will be required to pay a tribute to the community of Kahnawake in an amount, and the formula for which, will be determined by the Commission. For greater certainty, this provision includes Kahnawake social clubs.
- Key persons*** 110. Subject to section 128, a person must not accept employment, and a poker room licence holder must not employ a person, as a key person, unless the person holds a valid key person permit.
- Notice*** 111. If the Commission reasonably believes a person, other than a person who holds a valid key person permit, is a key person, 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 person permit or to terminate the employment relationship.
- Compliance*** 112. The poker room licence holder and 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, taking into account any notice period to which the person may be entitled by law.
- Key Person present*** 112A. At least one (1) Key Person must be present in a Poker Room at all times that the Poker Room is open to the public.

- 112B. For greater certainty, a person that holds a Key Person Permit under these Regulations cannot perform his or her duties in both a Poker Room and in an EGD Facility at the same time, notwithstanding the fact the person holds a Key Person Permit issued under both these Regulations and the Regulations concerning Electronic Gaming Devices.
- Termination of relationship** 113. If the Commission does not approve an application for a key person 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 with whom the key relationship exists, require the person to terminate the employment relationship.
- Application** 114. An application for a key person permit must be made to the Commission in the form attached as Schedule "F" to these Regulations.
- Content of application** 115. An application for a key person 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 key relationship;
  - (b) key person permit application form, Schedule "F";
  - (c) a Personal Information Form attached as Schedule "E" to these Regulations completed by the proposed key person;
  - (d) a Criminal Record Information – Consent Form and Privacy Waiver;
  - (e) a Full Disclosure Assurance form;
  - (f) a recent photocopy of government issued identification;
  - (g) except as otherwise provided herein, a non-refundable deposit in the amount of Two Thousand (\$2,000.00) Dollars.
- Costs** 116. The applicant is responsible to the Commission for all costs incurred by the Commission related to the processing of the application for a key person permit. 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 paid. All deposits received by the Commission pursuant to sections 115 and 116 will be deemed to have been paid by the applicant.

- Further information** 117. The Commission may, by written notice given to an applicant for a key person 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.
- Decision** 118. Subject to receiving the required non-refundable deposits, the Commission will consider an application for a key person permit and either grant or deny the application.
- Criteria** 119. The Commission will consider an applicant suitable to hold a key person 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) history of civil litigation;
  - (d) credit history or bankruptcies;
  - (e) personal and professional references; and
  - (f) the applicant's general suitability to carry out functions for a poker room licence holder as a key person.
- Investigation** 120. The Commission will investigate an applicant for a key person permit to help the Commission decide whether the applicant is suitable to hold a key person permit
- Notice** 121. Written notice of the Commission's decision to grant or deny an application for a key person permit must be given to the applicant and the poker room licence holder.
- Reasons** 122. If the Commission denies an application for a key person permit, subject to confidentiality or security restrictions, the Commission will give its reasons for the denial in writing to the applicant.
- Form of key person permits** 123. A key person permit will be in the form prescribed by the Commission and will include the following:
- (a) the key person's name;
  - (b) a recent photograph of the key person;
  - (c) the date of expiry of the permit;
  - (d) other conditions or particulars the Commission deems to be appropriate.

- Term* 124. A key person permit will not be issued for a period exceeding five (5) years.
- Annual fee* 125. A key person permit holder must pay a non-refundable annual fee in the amount of Five Hundred (\$500.00) Dollars. An annual fee received by the Commission pursuant to this section will be deemed to have been paid by the key person permit holder.
- Annual check* 126. A key person permit holder must undergo an annual criminal record check and must provide the Commission the necessary information, documentation and consent to carry out a criminal record check.
- Renewal* 127. A key person permit may be renewed every five (5) years by the Commission in accordance with the procedures provided in these Regulations.
- Automatic termination* 128. A key person permit automatically and immediately terminates when the key relationship between the key person and the poker room licence holder that employed or contracted that key person is terminated by either party for any reason.
- Re-application* 129. In the event a key person permit is terminated in accordance with the foregoing section 128 and the person later wishes to be employed or contracted as a key person by any poker room licence holder, the person must re-apply for a new key person permit in accordance with the application requirements of these Regulations.
- Conditions* 130. The Commission may issue a key person permit:
- (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.
- Suspending or revoking* 131. Each of the following is a ground for suspending or revoking a key person permit:
- (a) the key person is not, or is no longer, suitable to hold a key person permit;
  - (b) the key person has been convicted of an indictable offence;
  - (c) the key person has contravened a condition of the key person permit;
  - (d) the key person has contravened a provision of the Law, these Regulations or the provision of a gaming act of any other jurisdiction;
  - (e) the key person 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.

- Suspending key person permit*** 132. If the Commission believes a ground exists to suspend or revoke a key person permit, 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*** 133. A person must not accept employment in a poker room as a dealer, or agree to carry out the duties of a dealer, unless the person holds a valid dealer permit and a poker room licence holder must not employ or contract a person to carry out the functions of a dealer, unless the person holds a valid dealer permit.
- Application for dealer permit*** 134. An application for a dealer permit must be made to the Commission in the form attached as Schedule "G" to these Regulations.
- Application fee*** 135. Except as otherwise provided herein, an application for a dealer permit must be accompanied by a non-refundable deposit in the amount of Three Hundred (\$300.00) Dollars
- Deemed paid by applicant*** 136. All deposits received by the Commission pursuant to sections 135 will be deemed to have been paid by the applicant.
- Further information*** 137. The Commission may require the applicant for a dealer permit to give the Commission further information or a document that is necessary to help the Commission consider and decide the application.
- Decision*** 138. Upon receipt of all required documents and the non-refundable deposit, the Commission will consider an application for a dealer permit and either grant or deny the application.
- Criteria*** 139. The Commission will consider an applicant suitable to hold a dealer permit, if the applicant can satisfy the Commission that he or she 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) history of criminal convictions;
  - (b) the applicant's knowledge of the poker room's rules of play and approved games;
  - (c) the applicant's general suitability to carry out functions of dealer for a poker room licence holder.
- Investigations*** 140. The Commission will investigate an applicant to determine whether the applicant is suitable to hold a dealer permit.
- Notice*** 141. Written notice of the Commission's decision to grant or deny an application will be given to the applicant and to the poker room licence holder that was to employ the applicant.

- Form of dealer permits*** 142. A dealer permit will be in the form prescribed by the Commission and will include the following:
- (a) the dealer's name;
  - (b) a recent photograph of the dealer;
  - (c) expiry date of the permit;
  - (d) other conditions or particulars the Commission deems to be appropriate.
- Term*** 143. A dealer permit will not be issued for a period exceeding five (5) years
- Annual fee*** 144. A dealer permit holder must pay a non-refundable annual fee in the amount of Three Hundred (\$300.00) Dollars. An annual fee received by the Commission pursuant to this section will be deemed to have been paid by the dealer permit holder.
- Annual check*** 145. A dealer permit holder must undergo an annual criminal record check and must provide the Commission the necessary information, documentation and consent to carry out a criminal record check.
- Renewal*** 146. A dealer permit may be renewed by the Commission every five (5) years in accordance with the procedures for renewing a poker room licence as provided in these Regulations.
- Employment*** 147. A dealer permit holder may be employed or contracted by any poker room licence holder, so long as the dealer permit remains in good standing.
- Conditions*** 148. 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.
- Dealer permit displayed*** 149. A 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 dealer.
- Temporary dealer permit*** 150. Upon receipt of an application for a dealer permit in the form attached as schedule "G" to these Regulations, where it is so indicated on the form, the Commission may issue a temporary dealer permit.
- Application fee*** 151. A temporary dealer permit will follow the same application procedure as a dealer permit excepting only that the application must be accompanied by a non-refundable deposit in an amount equal to one-half of the application fee for a dealer permit.

- Form** 152. A temporary dealer permit will be in a form that is similar to a dealer permit but will clearly indicate that it is “temporary”.
- Term** 153. A temporary dealer permit is valid for ten (10) days from the date on which it is issued, after which it will automatically expire.
- Fine for failure to return permit** 154. A temporary dealer permit must be returned to the Commission’s offices not more than two (2) business days after its expiry date, failing which the poker room licence holder associated with the temporary dealer permit will be issued a fine in the amount of One Hundred (\$100.00) Dollars.
- Functions** 155. The holder of a valid temporary dealer permit is allowed to perform all of the functions of a dealer.
- Issuance of dealer permit** 156. After the date on which the temporary dealer permit expires, the Commission may, upon receipt of the following, issue the person a dealer permit:
- (a) a letter or email from the poker room licence holder addressed to the Commission certifying that the person who held the temporary dealer permit has been properly trained to be a dealer; has been provided with a copy of the Commission’s *Regulations concerning poker rooms* and is fully capable of discharging the duties of a dealer (the “Certification Letter”);
  - (b) a non-refundable deposit in an amount equal to one-half of the application fee for a dealer permit.
- No obligation** 157. The issuance of a temporary dealer permit does not impose any obligation on the Commission to issue a dealer permit and if the Commission does not issue a dealer permit, the holder of a temporary dealer permit has no recourse against the Commission.
- Breach** 158. Any breach of the Law or these Regulations by the holder of a temporary dealer permit may result in the immediate suspension or revocation of the temporary dealer permit and may affect the Commission’s decision to issue a dealer permit to the person in question.
- Application of Regulations** 159. The provisions of these Regulations that apply to dealer permits also apply, adapted as required, to a temporary dealer permits and to the holder of a temporary dealer permit.
- Denying, suspending or revoking** 160. Each of the following is a ground for denying, suspending or revoking a dealer permit, including a temporary dealer permit:
- (a) the person is not, or is no longer, suitable to hold a dealer permit;
  - (b) the person has been convicted of an indictable offence, for which he or she has not been pardoned;

- (c) the person has contravened a provision of the Law, these Regulations or the provision of a gaming act of any other jurisdiction;
  - (d) in the case of a person to whom a dealer permit has previously been issued:
    - (i) the person has contravened a term or condition of his or her dealer permit;
    - (ii) the dealer permit was obtained by a materially false or misleading representation or declaration or in some other improper way; or
  - (e) the person has been found by the Commission to have committed an 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.
- Suspending or revoking*** 161. If the Commission believes a ground exists to suspend or revoke a dealer permit including a temporary 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.
- Suppliers*** 162. A poker room licence holder must ensure that the gaming equipment and/or gaming services provided by a supplier is or are suitable for a poker room and that the supplier is otherwise suitable in consideration of its knowledge, skills, experience, reputation, character, business reputation, current financial position and financial background.
- Direction not to use equipment*** 163. The Commission may, in its sole discretion, direct a poker room licence holder not to use the gaming equipment or gaming services offered by a particular supplier and a poker room licence holder must comply with such direction.
- Anti-money laundering policies*** 164. Poker room licence holders must develop and implement Anti-Money Laundering (“AML”) and Counter Financing of Terrorism (“CFT”) policies that are approved and supported by its senior management which will provide reasonable security measures to prevent transactions which are potentially connected to money laundering and the financing of terrorism.
- Compliance Officer*** 165. Poker room licence holders must appoint a qualified person to act as an AML/CFT Compliance Officer.
- Ten Thousand Dollars*** 166. When a player deposit or payout exceeds Ten Thousand (\$10,000.00) Dollars, whether in a single transaction or a series of transactions which appear to be linked, a poker room licence holder will not accept the deposit or make the payout until the player has been positively identified.
- Employees*** 167. A poker room licence holder’s employees must be made aware of their personal obligations to detect and report criminal and suspicious behaviour to

senior management as well as the dangers of 'tipping-off' and the procedures to be followed to ensure it does not happen.

- Mandatory measures** 168. Notwithstanding any other provision of these Regulations or the laws, regulations or procedures of any other jurisdiction, poker room licence holders must develop and implement measures to ensure that:
- (a) no payouts will be made to a player where there is reason to suspect money laundering or terrorist activity; and
  - (b) the recommendations of the Financial Action Task Force ("FATF"), particularly as they pertain to casinos and gaming establishments, are fully respected.
- Cooperation with law enforcement** 169. The Commission will cooperate with and, when appropriate, provide information concerning actual or potential money-laundering activities of which it becomes aware, to the Kahnawake Peacekeepers and/or such other domestic or international agency or agencies that are appropriate.
- Mandatory provisions** 170. 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.
- Minimum age** 171. 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.
- Fines** 172. The Commission may levy a fine in the amount of not less than One Thousand (\$1,000.00) Dollars against a poker room licence holder for the first occasion on which there is a breach of the foregoing sections 170 or 171. For each subsequent breach, the Commission may levy a fine of not less than Five Thousand (\$5,000.00) Dollars.
- Prize forfeited** 173. 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 registry** 174. 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, date of birth and a recent photograph in a registry kept for that purpose (the "player registry"). The player registry must also show the date on which each record is made.

- Production of player registry*** 175. A poker room licence holder must, upon receiving a written request from the Commission or an authorized representative, produce the player registry for inspection. The Commission or authorized representative may make a copy of any part of a player registry.
- Inebriated Player*** 176. A Poker Room Licence holder must not allow an inebriated player to participate in an approved game.
- Self-Exclusion Request Form*** 177. Any person (the "Requestor") may request that he or she be excluded from gaming activities held in all Land Based Gaming Facilities licensed and regulated by the Commission (a "Comprehensive Self-Exclusion Request").
- 177A. For greater certainty, a Requestor may not request that he or she be only excluded from a poker room or an EGD Facility, as defined by the Regulations concerning Electronic Gaming Devices.
- Self-Exclusion information*** 178. A Comprehensive Self-Exclusion Request must be in the form attached as Schedule "K" to these Regulations.
179. Poker rooms must, at all times:
- (a) prominently display an approved sign, in both English and French, indicating the availability of Comprehensive Self-Exclusion forms; and
  - (b) have copies of the Comprehensive Self-Exclusion Request form available and provide a copy to any person who requests one.
- Submission*** 180. A Requestor may submit a Comprehensive Self-Exclusion Request to the management of a poker room or directly to the Commission.
- Effect of exclusion*** 181. A Requestor will be excluded from gaming activities held in all Land Based Gaming Facilities licensed and regulated by the Commission from date and time indicated in a Player Self-Exclusion Directive (as hereinafter defined) until such time as the Commission grants a Request to Revoke the Directive. For greater certainty, a Requestor will be excluded from the approved gaming area of all Land Based Gaming Facilities but not from any restaurant that may be attached to a Land Based Gaming Facility, so long as there is a physical separation between the approved gaming area and the restaurant.

- No employment** 182. A person that is subject to a Player Self-Exclusion Directive is not eligible to be employed in any capacity in a Land Based Gaming Facility.
- Banning a person** 183. A poker room licence holder, or his or her authorized representative, may temporarily or permanently ban a person from playing in or entering a Land Based Gaming Facilities and must advise the Commission in writing within forty-eight (48) hours of imposing a ban, providing the banned person's name, address and a recent photograph.
- Grounds for banning** 184. A ban may be imposed for any grounds, at the discretion of the poker room licence holder, or his or her authorized representative, other than grounds that discriminate on the basis of a person's language, race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status or disability.
- Effect of banning** 185. When a person has been temporarily or permanently banned by a poker room licence holder, the Commission will:
- (a) review the facts and circumstances of the banishment; and
  - (b) decide whether the facts and circumstances that lead to the banishment were sufficiently serious that the banned person should be temporarily or permanently forbidden from being employed by or entering any Land Based Gaming Facilities within the Territory and, if the decision is affirmative, will:
    - (i) determine the appropriate period of time for a temporary banishment, which may or may not be the period of time imposed by a poker room licence holder under section 183;
    - (ii) provide each Land Based Gaming Facility Operator with the banned person's name, address, recent photograph and the appropriate direction concerning the banned person.
- Commission may ban** 185A. Notwithstanding any provision of these Regulations, the Commission may temporarily or permanently ban a person from playing in or entering one or more Land Based Gaming Facility within the Territory if the Commission reasonably believes such a ban is necessary to protect the safety and security of the person or of a Land Based Gaming Facility, its staff, premises and equipment.
- Remain in force** 186. Subject to section 186C, a Player Self-Exclusion Directive will remain in force from the date and time indicated in the Directive until such date and time as a Directive to Revoke has been granted in relation to the same Player Self-Exclusion Directive.

- First occasion*** 186A. For the first occasion on which a player makes a Comprehensive Self-Exclusion request, the term of the exclusion will be the greater of:
- (a) six (6) months, or
  - (b) a specific term requested by the player, provided the requested term is greater than six (6) months.
- Second and subsequent occasions*** 186B. For the second and every subsequent occasion on which a player makes a Comprehensive Self-Exclusion Request, the term of the exclusion will be greater of:
- (a) two (2) years, or
  - (b) a specific term requested by the player, provided the requested term is greater than two (2) years.
- Permanently excluded*** 186C. For greater certainty, a player may at any time submit a Comprehensive Self-Exclusion Request requesting that he or she be permanently excluded from gaming activities held in all Land Based Gaming Facilities in which case, the corresponding Player Self-Exclusion Directive granted by the Commission cannot be revoked.
- No limit*** 186D. Subject to the foregoing provisions, there is no limit on the number of Comprehensive Self-Exclusion Requests a player may submit.
- No retroactive effect*** 186E. Sections 186A, 186B, 186C and 186D come into force and effect on September 9, 2015 and have no retroactive effect on any Player Self-Exclusion Directives that were granted by the Commission prior to September 9, 2015.
- Self-Excluded Player Registry*** 187. The Commission and all Land Based Gaming Facilities will establish and maintain a Self-Excluded Player Registry in accordance with the provisions of these Regulations.
- Form*** 188. The management of Land Based Gaming Facilities or the Commission when receiving a Comprehensive Self-Exclusion Request will ensure that the form:
- (a) is voluntarily provided by the Requestor;
  - (b) is read and understood by the Requestor;
  - (c) is fully and accurately completed and executed;
  - (d) is properly executed by the Requestor and the management of the Land Based Gaming Facility;
  - (e) attaches a clear and recent photograph of the Requestor;
  - (f) attaches a photocopy at least two pieces of government issued identification provided by the Requestor; and
  - (g) is entered into the Self-Excluded Player Registry.

***Submitting a Comprehensive Self-Exclusion Request***

189. In the event a Comprehensive Self-Exclusion Request is submitted to the management of a Land Based Gaming Facilities:
- (a) upon completion of the Comprehensive Self-Exclusion Request, the Requestor must be immediately excluded from gaming activities held at that Land Based Gaming Facility;
  - (b) the management of Land Based Gaming Facility will make a photocopy of the completed Comprehensive Self-Exclusion Request and enter it into the Self-Excluded Player Registry;
  - (c) the original completed Comprehensive Self-Exclusion Request must be provided to the Commission within twenty-four (24) hours of the time it is received.

***Player Self-Exclusion Directive***

190. Upon receipt of a completed Comprehensive Self-Exclusion Request, whether received from a Land Based Gaming Facility or directly from a Requestor, the Commission will provide a copy of the Comprehensive Self-Exclusion Request, including a picture of the Requestor, to all Land Based Gaming Facility Operators, with a directive (the "Player Self-Exclusion Directive") that:
- (a) the Comprehensive Self-Exclusion Request be entered into the Self-Excluded Player Registry maintained by the Land Based Gaming Facility;
  - (b) the Requestor be excluded from gaming activities held in the Land Based Gaming Facility from the time and date indicated in the Player Self-Exclusion Directive until a further direction to re-instate the Requestor is provided by the Commission.

***Request to Revoke***

191. A person that has been named in a Player Self-Exclusion Directive may request that the Commission revoke the Directive (a "Request to Revoke").

***Schedule "L"***

192. A Request to Revoke must be in the form attached as Schedule "L" to these Regulations.
193. The Commission will not accept or consider a Request to Revoke that is received prior to expiry of the term of exclusion specified in the Player Self-Exclusion Directive to which the application relates
194. Subject to the foregoing section 193, the Commission will grant a Request to Revoke and issue a Directive to Revoke, unless it is provided evidence to indicate that the Request should be refused.
195. [Deleted pursuant to a Resolution dated September 9, 2015]
196. [Deleted pursuant to a Resolution dated September 9, 2015]

<i>Reasons</i>	197.	In the event a Request to Revoke is refused, subject to confidentiality, unless such confidentiality has been waived, or security restrictions, the Commission will give its reasons for the refusal in writing to the person who submitted the Request to Revoke.
<i>Date and time of effect</i>	198.	A Directive to Revoke has effect from the date and time it is granted by the Commission.
<i>Issuance of a Directive to Revoke</i>	199.	<p>Upon granting a Directive to Revoke, the Commission will:</p> <p style="margin-left: 40px;">(a) amend its Self-Excluded Player Registry, indicating the date and time on which the Directive to Revoke was granted; and</p> <p style="margin-left: 40px;">(b) provide a copy of the Directive to Revoke to all Land Based Gaming Facilities and direct each Land Based Gaming Facility to amend its Self-Excluded Player Registry accordingly.</p>
<i>Six month delay</i>	200.	Subject to section 186C, in the event a Request to Revoke is refused, the applicant may not reapply to the Commission less than six (6) months from the date of the Commission’s decision to refuse, or such other time as the Commission may direct.
	201.	[Deleted pursuant to a Resolution dated September 9, 2015]
	202.	[Deleted pursuant to a Resolution dated September 9, 2015]
	203.	[Deleted pursuant to a Resolution dated September 9, 2015]
	204.	[Deleted pursuant to a Resolution dated September 9, 2015]
	205.	[Deleted pursuant to a Resolution dated September 9, 2015]
	206.	[Deleted pursuant to a Resolution dated September 9, 2015]
	207.	[Deleted pursuant to a Resolution dated September 9, 2015]
<i>Warnings</i>	208.	For greater certainty, all Land Based Gaming Facility Operators must display at all times, in a prominent place within the Land Based Gaming Facility, a warning of the risks associated with gaming and information about organizations that offer assistance to compulsive gamblers.
<i>Monthly reports</i>	209.	Commencing one month after a poker room licence is issued, a poker room licence holder must, on a monthly basis, provide the Commission or an authorized representative a report (the “monthly report”) showing:

- (a) an updated player registry showing the number of players who participated in approved games in the poker room during the preceding month;
- (b) a list of all staff employed or contracted by the poker room, including but not limited to restaurant, kitchen, bar, valet, cleaning and security, for the preceding month, showing for each staff member:
  - (i) name;
  - (ii) date of birth;
  - (iii) position, and
  - (iv) date employment commenced.

**General requirements** 210. A poker room licence holder, key person or dealer must, at the request of the Commission, do anything reasonably necessary to allow an authorized representative to inspect or monitor a poker room and the operations of a poker room.

**Action by Commission** 211. 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.

**Commission not liable** 211.1 The Commission is not liable for the debts or obligations that a poker room licence holder incurs to any employee, agent or supplier of goods or services."

**Annual licence fees** 212. A poker room licence holder must pay an annual licence fee in the amount equal to Ten Thousand (\$10,000) Dollars.

**Failure to pay** 213. 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 and or the imposition of a fine.

**Annual check** 214. Poker room licence holder must undergo an annual criminal record check and must provide the Commission the necessary information, documentation and consent to carry out a criminal record check.

**Costs incurred by Commission** 215. 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;

- (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.
- Statement of account** 216. 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”).
- Unpaid amount** 217. 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.
- Failure to pay** 218. Failure to pay a statement of account may result in the amendment, suspension or revocation of a poker room licence and or the imposition of a fine.
- Rules** 219. The Commission may establish rules concerning such matters for which it is appropriate to make rules for the purposes of the Law and these Regulations.
- Copies of rules** 220. The Commission will provide copies of all rules it establishes to poker room licence holders.
- Posting rules** 221. Poker room licence holders will post in prominent places in the poker room, copies of all rules established by the Commission.
- Knowledge of rules** 222. Poker room licence holders will ensure that their key persons and dealers have a good working knowledge of all rules established by the Commission.
- Incident reports** 223. A poker room licence holder must record in writing a report, in the form provided by the Commission, of all incidents that occur within a poker room or in any approved parking area (“incident reports”), including the following:
- (a) any situation for which the Kahnawake Peacekeepers or any policing agency are required to attend at the poker room to keep the peace or for any other reason;
  - (b) written complaints received 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.

- Notice and report*** 224. A poker room licence holder must provide the Commission:
- (a) written notice of an incident, within twenty-four (24) hours of the occurrence of the incident;
  - (b) a written incident report providing details of the incident, within five (5) days of the occurrence of the incident or as otherwise directed by the Commission.
- Additional information*** 225. In the event the Commission requires additional information regarding an incident report, a poker room licence holder, key person or dealer will use best efforts to provide the required information to the Commission.
- Failure to provide*** 226. Failure to provide the Commission an incident report as required by these Regulations may result in the amendment, suspension or revocation of a poker room licence and or the imposition of a fine.
- Advertising*** 227. No person may advertise a poker room that it is not licensed and regulated by the Commission.
- Approved game*** 228. A poker room licence holder must not advertise any game unless the game is an approved game.
- Prohibited advertising*** 229. 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.
- Discretion*** 230. The Commission will, in its sole discretion, determine whether an advertisement or form of marketing contravenes any of the requirements in the foregoing section 229.
- Direction to stop or change*** 231. If the Commission determines that an advertisement or form of marketing does not comply with section 229, 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.
- Form of direction*** 232. 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*** 233. 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.
- Inquiry or referral*** 234. 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.
- Notice to complainant*** 235. The Commission must promptly notify 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.
- Form of complaints*** 236. 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.
- Decision final*** 237. 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*** 238. In the event a poker room licence holder, key person or 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 person or dealer must within twenty-four (24)

hours, give the Commission a written notice advising the Commission of all facts known about the matter.

- Contact law enforcement** 239. Upon receipt of a written notice referred to in the foregoing section 238, the Commission will contact the appropriate law enforcement agency to investigate and take such further actions as may be appropriate.
- Gaming offences** 240. 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.
- "Benefit"** 241. 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.
- No credit** 242. Under no circumstances may a poker room licence holder, key person, 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.
- No impersonation** 243. A person must not impersonate a poker room licence holder, a key person, a dealer, a member of the Commission, a compliance officer or anyone acting in an official capacity under the Law or these Regulations.
- No receiving benefit** 244. 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.
- No giving benefit** 245. 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 an authorized representative for an improper purpose.
- "Improper purpose"** 246. For the purposes of the foregoing sections, "improper purpose" includes:
- (a) for the authorized representative to forego or neglect the authorized representative's functions under the Law or these Regulations;
  - (b) for the authorized representative to use, or take advantage of, the authorized representative'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 authorized representative in the performance of the authorized representative's functions under the Law or these Regulations.

- Conditions on participating in approved games* 247. A poker room licence holder, key person or dealer may only take part in an approved game in the poker room in which he or she is associated if:
- (a) he or she wears identification, visible to other players, indicating that he or she is a poker room licence holder, key person or dealer, as the case may be; and
  - (b) he or she is not on duty in the poker room at the time.
- Bad beat jackpots* 248. For greater certainty,
- (a) a poker room licence holder or key person is not entitled to share in any part of the prize generated by a bad beat jackpot;
  - (b) a dealer is entitled to share in the prize generated by a bad beat jackpot, only if the poker room has a pre-existing written policy that permits dealers to share in such prizes; and
  - (c) any share of a bad beat jackpot that is won by a person who is not entitled to receive that share, will be added to the next bad beat jackpot offered by the poker room.
- Conditions on playing* 249. An employee of a poker room, other than a key person or dealer, may take part in an approved game, provided that he or she is not on duty in the poker room at the time.
- Independence of Commission* 250. 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.
- Restrictions* 251. 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.
- Declaring interest* 252. 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 person must give written notice of the

member or person's association or interest to the Commission and the Commission will by written notice given to the member or person, direct the member or person 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 person's employment by the Commission.

- Investigation of authorized representatives*** 253. The Kahnawake 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 authorized representative.
- Criminal background check*** 254. If the Commission conducts an investigation with regard to an appointment of a person as an authorized representative or the verification of an Appointed authorized representative, the Commission may request a criminal background check to be provided by the Kahnawake Peacekeepers or such other agency as the Commission may appoint for the purpose.
- Powers*** 255. An authorized representative has the powers given under these Regulations.
- Directives*** 256. An authorized representative is subject to the directives of the Commission in exercising those powers.
- Powers*** 257. An authorized representative's powers may be limited:
- (a) as a condition of the authorized representative's appointment, or
  - (b) by written notice given by the Commission to the authorized representative.
- Identification cards*** 258. The Commission must issue each authorized representative an identification card which:
- (a) includes a recent photograph of the authorized representative;
  - (b) includes an expiry date;
  - (c) identifies the person as an authorized representative under these Regulations.
- Identification card*** 259. A person who ceases to be an authorized representative 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 authorized representative.
- Exercise of powers*** 260. An authorized representative may exercise a power in relation to someone else only if the authorized representative either produces the authorized representative's identification card for the other person's inspection or has the identification card displayed so it is clearly visible to the other person.

- Production of identification card*** 261. If for any reason it is not practical to comply with the foregoing section before exercising the power, the authorized representative must produce the identification card for the other person's inspection at the first reasonable opportunity.
- Entering poker room*** 262. An authorized representative may, without the consent of the poker room licence holder, enter a poker room for any purpose under these Regulations.
- Powers of authorized representative after entering poker room*** 263. For monitoring or enforcing compliance with the Law or these Regulations or any other law applicable within the Territory, the authorized representative may:
- (a) search any part of the poker room;
  - (b) inspect, measure, test, photograph or film any part of the poker room or anything located within the poker room;
  - (c) take an item, or a sample of or from an item, at the poker room for analysis or testing;
  - (d) copy a document at the poker room;
  - (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 poker room any person, equipment and materials the authorized representative reasonably requires for exercising a power under this Part;
  - (g) require the poker room licence holder, or a person within the poker room, to give the authorized representative assistance to exercise the authorized representative's powers under paragraphs (a) to (f), or
  - (h) require the poker room licence holder, or a person within the poker room, to give the authorized representative information to help the authorized representative ascertain whether the Law, these Regulations or any other law applicable within the Territory is being complied with.
- Failure to assist*** 264. When making a requirement mentioned in this Part, an authorized representative must warn the person it is an offence to fail to comply with the requirement.
- Compliance*** 265. A person required to give assistance to an authorized representative must comply with the requirement.

- Seizure of documents and items*** 266. An authorized representative, who enters a poker room without the consent of the poker room licence holder and without a warrant, may seize documents or items within the poker room if the authorized representative reasonably believes the documents or items are evidence of an offence against the Law, these Regulations or any law applicable within the Territory.
- Evidence*** 267. If the authorized representative enters a poker room with the poker room licence holder's consent, the authorized representative may seize any document or item within the poker room if:
- (a) the authorized representative 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 poker room licence holder when asking for the poker room licence holder's consent.
- Warrant*** 268. If the authorized representative enters a poker room with a warrant, the authorized representative may seize the documents or items for which the warrant was issued.
- Other documents*** 269. The authorized representative may also seize any other documents or items at the place if the authorized representative 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.
- Prevention of offence*** 270. The authorized representative may seize documents or items at a poker room if the authorized representative 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*** 271. Having seized documents or items, an authorized representative may:
- (a) move the documents or items from the poker room 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 poker room but take reasonable action to restrict access to them.

- No tampering** 272. If an authorized representative 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 authorized representative's approval.
- Powers to support seizure** 273. To enable documents or items to be seized, an authorized representative may require the person in control of them:
- (a) to take them to a stated location by a stated time; and
  - (b) if necessary, to remain in control of them at the stated location for a stated time.
- Requirement** 274. The requirement:
- (a) must be made by written notice from the Commission; or
  - (b) if for any reason it is not practical to give the notice, may be made orally and confirmed by written notice as soon as practical.
- Further requirement** 275. A further requirement may be made under this section about the same documents or items if it is necessary to make the further requirement.
- Receipts** 276. As soon as practical after an authorized representative seizes documents or items, the authorized representative must give a receipt for them to the poker room licence holder.
- Leaving receipt** 277. However, if for any reason it is not practical to comply with the foregoing section, the authorized representative must leave the receipt at the place of seizure in a conspicuous position and in a reasonably secure way.
- Description** 278. The receipt must describe generally each document or item seized and its condition.
- No receipt required** 279. 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** 280. Documents or items that have been seized under these Regulations are forfeited to the Commission if the authorized representative 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.

**Written notice** 281. If the authorized representative decides to forfeit documents or items under these Regulations, the authorized representative must tell the owner of the decision by written notice.

**No notice required** 282. The foregoing section does not apply if:

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

**Content of notice** 283. The notice must state:

- (a) subject to confidentiality and security restrictions, the reasons for the decision;
- (b) that the owner may appeal against the decision to the Commission within thirty (30) 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.

**Considerations** 284. 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.

**Return of documents or items** 285. If documents or items have been seized but not forfeited, the authorized representative 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.

**No evidentiary value** 286. A document or item must be returned to its owner once the authorized representative determines its evidentiary value has ceased.

- Inspection of seized documents and items*** 287. Until documents or items that have been seized are forfeited or returned, an authorized representative 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*** 288. This section applies if an authorized representative 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.
- Stop Direction*** 289. The authorized representative 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.
- Stop Notice*** 290. A direction given to a person under the foregoing section (a "Stop Direction") may be given orally or by written notice (a "Stop Notice").
- Confirmation*** 291. 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.
- Application of Stop Direction*** 292. A Stop Direction may be given for an item at a poker room, an agent or other person involved within the Territory in the conduct of an approved game.
- Non-application*** 293. A Stop Direction does not apply to a use of an item carried out for repairing or testing the item.
- Grounds*** 294. A Stop Notice must state:
- (a) the grounds on which the authorized representative believes the item is unsatisfactory; and
  - (b) the circumstances, if any, under which the Stop Direction may be cancelled.
- Compliance*** 295. A person to whom a Stop Direction is given must comply with the direction.
- Document Production Requirement*** 296. An authorized representative may require (a "Document Production Requirement") a person to produce or make available for inspection by the authorized representative at a reasonable time and place nominated by the authorized representative:

- (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.

**Originals** 297. The authorized representative may retain the original of the document or, in his sole discretion, copy it and return the original to the owner of the document.

**Copies** 298. If the authorized representative copies the document, or an entry in the document, the authorized representative may require the person responsible for keeping the document to certify the copy as a true copy of the document or entry.

**Requirement to appear - executives** 299. An authorized representative may require a person, or an executive officer of a corporation, of whom a Document Production Requirement has been made to appear before the authorized representative to answer questions or give information about the document to which the Document Production Requirement relates.

**Requirement to appear – others** 300. An authorized representative may require any of the following persons to appear before the authorized representative 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).

- Conditions for requirements to appear* 301. A requirement made of a person under sections 299 or 300 must:
- (a) be made by written notice given to the person; and
  - (b) state a reasonable time and place for the person's attendance.
- Warning* 302. When making the requirement, the authorized representative must warn the person that it is an offence to fail to comply with the requirement.
- Failure to appear or comply* 303. A person of whom a requirement is made under this Part must not:
- (a) fail to appear before the authorized representative at the time and place stated in the notice imposing the requirement; or
  - (b) when appearing before the authorized representative:
    - (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.
- Protection from liability* 304. An authorized representative is not civilly or criminally liable for an act done, or omission made, honestly and without negligence under these Regulations.
- Not liable for losses or damages* 305. An authorized representative 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.
- No false statements* 306. A person must not state anything to an authorized representative the person knows to be false or misleading.
- No false information* 307. A person must not give an authorized representative a document containing information the person knows to be false, misleading or incomplete.
- No false entries* 308. 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.
- No obstruction* 309. A person must not obstruct an authorized representative in the exercise of a power or someone helping an authorized representative in the exercise of a power.
- Decisions not subject to appeal or review* 310. Except as otherwise provided in these Regulations or as the Commission otherwise directs, 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 is final and conclusive.

- Offence** 311. A person who attempts to commit an offence against the Law or these Regulations commits an offence.
- Default fine** 312. Unless another fine is specifically provided, if the Commission, in its sole discretion determines a poker room licence holder, key person or 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 One Hundred Thousand (\$100,000.00) Dollars.
- Payment of fines** 313. Unless the Commission otherwise directs, all fines imposed by the Commission in accordance with the foregoing section 312 must be paid 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** 314. 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** 315. 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, authorized representatives or its agents for any purpose other than the purpose for which the information was provided or obtained.
- Continuing obligation** 316. A person who is, or was, an authorized representative, 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 authorized representative; employee or Member of the Commission ceases to be employed or to hold office.
- Non-application** 317. The foregoing section 316 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.

- Approval for disclosure of confidential information*** 318. 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.
- Ensuring confidentiality*** 319. Poker room licence holders are responsible for ensuring the confidentiality of any player information that is provided to key persons, dealers or other staff members.
- Forms*** 320. The Commission may approve forms for use under these Regulations.
- Payments*** 321. All payments required under these Regulations must be in Canadian dollars and paid by certified cheque, bank draft or wire transfer.