



REGULATIONS CONCERNING RAFFLES

These Regulations were enacted by the Kahnawake Gaming Commission on 09 Kentenhkó:wa/November, 2011 pursuant to Section 24 of the Kahnawake Gaming Law.

The Commission, in order to maintain order, fairness and high standards in and for gaming activities operating within the Mohawk Territory of Kahnawake (the "Territory"), and after consulting with Mohawk Council of Kahnawake, have determined that it is necessary to establish regulations to authorize and monitor Raffles that are operated within the Territory, and hereby enact as follows.

Raffles 1. The Commission may, subject to the provisions of the Kahnawake Gaming Law (the "Law") and the provisions of these Regulations, authorize an Eligible Organization, to conduct a Raffle within the Territory.

Harmonization 2. These Regulations may serve as a basis for the harmonization of regulatory schemes concerning raffles 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.

Purposes 3. The purposes of these Regulations are:

- (a) to provide a lawful basis for the authorization and monitoring of Raffles that are operated 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 provide a regulatory structure under which Raffles can be operated responsibly, fairly, honestly and in the best interests of Kahnawakeró:non and all other affected parties;
- (c) to ensure that adequate safeguards are established to prevent Raffles 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 gaming industry in Kahnawake;
- (d) to provide regulations under which Raffles are conducted fairly and honestly; and

(e) to facilitate the protection of persons under the age of eighteen (18) years and other vulnerable persons from being harmed or exploited by Raffles.

Prohibition 4. Except as authorized or exempted by these Regulations, the operation of a Raffle within the Territory is prohibited. Any breach of this prohibition will be referred to the Kahnawake Peacekeepers.

Application 5. All Raffle Authorizations issued by the Commission, and Compliance Agreements entered into between the Commission and an Eligible Organization, are subject to the provisions of these Regulations.

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

7. For the purposes of these Regulations:

“applicant” means an Eligible Organization that has applied for a Raffle Authorization;

“application” means an application to the Commission for a Raffle Authorization;

“Authorization” or “Raffle Authorization” means an Authorization issued by the Commission, authorizing an Eligible Organization to operate a Raffle in accordance with the provisions of these Regulations and the terms and conditions of a Compliance Agreement;

“Authorized Organization” means an Eligible Organization that holds a valid Raffle Authorization issued by the Commission;

“Commission” means the Kahnawake Gaming Commission;

“Compliance Agreement” means an agreement between the Commission and an Eligible Organization in the form attached as Schedule “B” to these Regulations;

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

“Eligible Organization” means an organization operating in Kahnawake that is recognized by the Mohawk Council of Kahnawake and the Commission as an organization that operates on a non-profit basis and that has as its primary purpose a sporting, cultural, charitable or community-oriented objective. For greater certainty, an individual, group of individuals or

organization whose primary objective is to operate a Raffle is not an Eligible Organization;

“Eligible Ticket Purchaser” means a member of the public who:

- (i) is not a member of the Commission; or
- (ii) is not less than eighteen (18) years old;

“family relationship” means a parent, spouse, sibling or child;

“Kahnawakerónon” means a person identified as a Mohawk and a member of the community of Kahnawake pursuant to 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. For greater certainty, a Kahnawake Social Club is an Eligible Organization;

“Money Prize” means a sum of money payable to the holder of a winning ticket, whether in one lump sum, instalments or by means of any other financial instrument;

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

“Prize” means a Money Prize or any other property or benefit to which the holder of a Winning Ticket is entitled;

“Raffle” means a game where Tickets are sold for a chance to win a Prize; winners are determined by drawing a random Ticket or by a random selection of numbers. For greater certainty, for the purposes of these Regulations, “Raffle” does not include an event pool or a 50/50 draw;

"record" means all records directly or indirectly related to the operation of a Raffle and any other record the Commission may direct be kept by an Authorized Organization;

"Regulations" means these Regulations concerning Raffles, including the Schedules;

"Schedule" means a schedule to these Regulations. For greater certainty, each Schedule is considered to be an integral part of these Regulations;

"Territory" means the Mohawk Territory of Kahnawake;

"Ticket" means a ticket, certificate, sheet, verification or other instrument issued by an Authorized Organization evidencing the Ticket holder's participation in a Raffle;

"Ticket holder" means a person having legal and valid possession of a Ticket;

"Valid Ticket" means a Ticket which is not void according to these Regulations;

"Winning Ticket" means a Valid Ticket which bears one or more play elements or one or more selections entitling the Ticket holder to a Prize according rules established by the Raffle and to the terms and conditions of these Regulations.

Social Clubs 8. For greater certainty, unless specifically exempted by these Regulations or by direction of the Commission, a Kahnawake Social Club that intends to operate a Raffle is required to apply for and hold a Raffle Authorization and is subject to all provisions of these Regulations.

Individual exemption 9. A Raffle operated by one or more Kahnawakeró:non for which the total cumulative value of the Prize or Prizes to be awarded is a fixed and pre-determined amount that is less than One Thousand (\$1,000.00) Dollars, is exempt from the application of these Regulations.

Eligible Entity exemption 10. A Raffle operated by an Eligible Organization for which the total cumulative value of the Prize or Prizes to be awarded is a fixed and pre-determined amount that is less than Five Thousand (\$5,000.00) Dollars, is exempt from the application of these Regulations.

Value of Non-Money Prizes 11. For greater certainty, the value of a Prize that is not a Money Prize will be determined by the Commission on the basis of the fair market value of the property or benefit that is to be offered as the Prize.

- Eligibility** 12. Only an an Eligible Organization is eligible to apply for or to hold a Raffle Authorization.
- Application** 13. An application for a Raffle Authorization must contain all of the information requested in the form attached as Schedule “A” to these Regulations, and must be accompanied by:
- (a) the Rules and/or Terms and Conditions that are to govern the Raffle;
 - (b) any documents required to verify that the applicant is an Eligible Organization; and
 - (c) an application fee in the amount of Fifty (CDN\$50.00) Canadian Dollars, which includes:
 - (i) the estimated cost of processing an application, monitoring the Raffle and all matters related thereto; and
 - (ii) the Raffle Authorization fee.
- Waiver of fee** 14. If an applicant so requests, the Commission, in its sole discretion, may waive or reduce the amount of an application fee.
- First decision** 15. Upon receipt of an application for a Raffle Authorization, the Commission will first decide, in its sole discretion, whether the applicant, as the case may be, is an Eligible Organization.
- Additional information** 16. To assist the Commission in deciding whether a potential applicant is an Eligible Organization, the Commission may request an applicant to provide additional information and may consult with the Mohawk Council of Kahnawake.
- Return of application** 17. If the Commission decides that a potential applicant is not an Eligible Organization, the application will not be accepted and the application form and accompanying documents and application fee will be returned to the submitting party with a letter from the Commission advising of its decision.
- Investigations** 18. In addition to any other requirement set out in these Regulations, the Commission may conduct such investigations at it deems necessary in relation to an applicant or any person providing goods or services to an applicant or Authorized Organization. In the event such person fails or refuses to cooperate with the Commission’s investigations, the Commission may, in its sole discretion, refuse to grant a Raffle Authorization or may suspend or revoke an existing Raffle Authorization.

- Decision on application** 19. The Commission will promptly consider an application and will:
- (a) grant the application and issue an Raffle Authorization;
 - (b) deny the application; or
 - (c) return the application to the applicant with a request for additional information.
- Denial of application** 20. The Commission, in its sole discretion, may deny an application, or suspend or revoke an existing Raffle Authorization, even if the Commission is satisfied of the matters mentioned in foregoing sections.
- Reasons** 21. In the event an application is denied, the Commission will give its reasons for the refusal in writing to the applicant.
- Compliance Agreement** 22. The Commission will not issue a Raffle Authorization unless and until a Compliance Agreement has been fully executed by the Eligible Organization that has applied for the Raffle Authorization.
- Authorized person** 23. A Compliance Agreement must be executed by a person that is duly authorized by the Eligible Organization to do so. The Commission may request proof of that the appropriate authorization has been given by the Eligible Organization.
- Binding effect** 24. A duly executed Compliance Agreement is binding on the Eligible Organization for all purposes of these Regulations.
- Breaches** 25. In the event an Eligible Organization, or any person acting on its behalf, breaches a provision of these Regulations or any term of a Compliance Agreement, the Commission may:
- (a) Suspend or revoke the related Raffle Authorization;
 - (b) Take such other actions as the Commission, in its sole discretion, deem necessary to fulfill the purposes of these Regulations.
- Claim for Prize** 26. A person who makes a claim for a Prize is conclusively deemed to represent and warrant to the Authorized Organization and the Commission that he or she is the person lawfully entitled to receive such prize, and such representation and warranty will survive the awarding of the prize.
- No liability** 27. The Commission and the Mohawk Council of Kahnawake, including their members, Chiefs, employees and agents, incur no liability toward anyone regarding any action or inaction of an Authorized Organization.

- Security** 27. The Commission will determine whether an Authorized Organization must provide security for the Raffle and, if so, will determine the type and amount of security, how the security is to be held and for what period of time. For greater certainty, the Commission in its sole discretion may determine that no security is required.
- Complaints** 28. If a complaint is made to the Commission about the conduct of a Raffle or any other aspect of a Raffle's operations, the Commission will promptly:
- (a) inquire into the complaint, or
 - (b) if the Commission considers it appropriate, refer the complaint to the Authorized Organization for resolution.
- Complainant** 29. The Commission must promptly advise the complainant of:
- (a) the result of the Commission's inquiry; or
 - (b) the Commission's decision to refer the complaint to the Authorized Organization.
- Complaint requirements** 30. 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.
- Dishonest benefits** 31. A person must not, in relation to a Raffle, 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.
- Decisions final** 32. Except as otherwise provided in these Regulations, a decision of the Commission made, or appearing to be made, under the Law or these Regulations about a Raffle Authorization, a Winning Ticket, a person with an interest or potential interest in a Raffle Authorization, a complaint or the operations of a Raffle is final and conclusive.
- Service** 33. Service of any notice provided for in these Regulations may be affected by personal service, registered mail, facsimile transmission or e-mail to the Authorized Organization 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 Authorized Organization.

Confidentiality 34. Except where otherwise specifically set out herein, all information provided to or obtained by the Commission or its agents under these Regulations will be treated as confidential information and will not be used by the Commission or its agents for any purpose other than the purpose for which the information was provided or obtained.

Non-disclosure 35. A person who is, or was, a Member, employee or agent 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 Member, employee or agent ceases to be employed, contracted or to hold office.

Exceptions 36. The foregoing section 35 does not apply to the disclosure of information by a person:

- (a) for a purpose under the Law, these Regulations, a Compliance Agreement or any other law applicable within the Territory;
- (b) with a lawful excuse; or
- (c) under an approval of the Commission.

Forms 37. The Commission may approve forms for use under these Regulations.

Payments 38. All payments required under these Regulations must be in Canadian dollars and may be paid by certified cheque, bank draft or wire transfer.
