

Title 16 - Gaming

Chapter 7 – Enforcement

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Legislative History

Enacted:

Gaming Ordinance, Ord. 171 (6/30/03), BIA (7/3/03), NIGC (10/3/03).

Repealed or Superseded:

Ord. 151 (4/9/02), BIA (6/7/02), NIGC (7/17/02) (amending Ord. 103).

Ord. 118 (5/7/96), BIA (5/23/96), NIGC (not required, 8/15/96) (amending Ord. 103).

Gaming Ordinance, Ord. 103 (10/5/93), BIA (10/14/93), NIGC (11/10/93) (repealing Ord. 50).

Gaming Ordinance, Ord. 50 (3/5/85), Enacting Res. 85-3-13, BIA (3/25/85).

16-07.010 Commission Agents.

All provisions of this Title, and any regulations that may be promulgated pursuant thereto, shall be enforced by agents commissioned by the Swinomish Gaming Commission.

[History] Ord. 171 (6/30/03); Ord. 103 (10/5/93).

16-07.020 Inspection.

Any premises within the Swinomish Indian Reservation where gaming is conducted shall be subject to inspection by the Commission and its agents.

[History] Ord. 171 (6/30/03); Ord. 118 (5/7/96); Ord. 103 (10/5/93).

16-07.030 Failure to Cooperate.

Failure to cooperate with the Commission or a Commission agent who is engaged in the enforcement of this Title shall be a violation of this Title and shall be grounds for revocation of any permit or license issued hereunder.

[History] Ord. 171 (6/30/03); Ord. 118 (5/7/96); Ord. 103 (10/5/93).

16-07.040 Citations and Other Enforcement Actions.

When a Commission agent has probable cause to believe that a violation of this Title, the Compact, or the rules and regulations of the Commission is taking place or has taken place, the agent shall issue the person or persons involved a civil citation and/or take other appropriate enforcement action, including but not limited to license or permit suspension pursuant to Section 16-07.060. If the person found to be in violation is not present, the citation shall be served on the operator or employee present. Civil Citations shall require that the cited person appear before the Swinomish Gaming Commission, which may, after a hearing is conducted pursuant to Commission rule, impose the civil remedies provided for in Section 16-08.050. The Commission may, in addition to or in the alternative, refer appropriate matters for criminal prosecution in Tribal Court under Chapter 16-08, or, where there has been a violation of state or federal law, refer such matters to the appropriate non-tribal law enforcement agency.

[History] Ord. 171 (6/30/03); Ord. 151 (4/9/02); Ord. 118 (5/7/96); Ord. 103 (10/5/93).

16-07.050 Removal.

A Commission agent may remove from a gaming facility any person subject to citation pursuant to Section 16-07.040 or subject to license or permit suspension pursuant to Section 16-07.060 whenever the circumstances of the violation lead the agent to believe that continuation of the activity poses a threat to public safety, the integrity of gaming, or the assets of the Gaming Enterprise.

[History] Ord. 171 (6/30/03); Ord. 151 (4/9/02); Ord. 103 (10/5/93).

16-07.060 Permit and License Suspension and Revocation.

- (A) When a Commission agent has probable cause to believe that a violation of this Title, the Compact, or the rules and regulations of the Commission is taking place or has taken place, and the violation poses an immediate threat to public safety, the integrity of gaming, or the assets of the Gaming Enterprise, the Tribe or a member of the public, the agent may immediately suspend any Commission license or permit issued to the person responsible for the violation.
- (B) The Commission may, after notice to the person involved and an opportunity for a hearing, revoke, suspend, or impose conditions upon any Commission license or permit whenever necessary to enforce the provisions of the Act, the Compact, this Title, or Commission rules and regulations.

[History] Ord. 171 (6/30/03); Ord. 118 (5/7/96); Ord. 103 (10/5/93).