



Hearing Procedures

PEORIA TRIBAL GAMING COMMISSION
HEARING PROCEDURES

A gaming license granted by the Peoria Tribal Gaming Commission (the "Commission") is a privilege - subject to suspension or revocation at any time, with or without notice. The issuance of a gaming license shall not be construed as granting any vested right in or to such license, any employment, or any other opportunity by virtue of which the license holder becomes eligible. The Commission exercises continuing jurisdiction for conduct that occurred during the time period provided with the gaming license.

A. The Commission shall provide written notification to each Applicant upon the granting or denial of a license, and to licensees upon revocation or suspension of the gaming license. The Commission shall provide written notifications to individuals or entities of the Commission's regulatory actions. The notice shall set forth the grounds for suspension, denial, or revocation as well as procedures for petition of reconsideration.

B. The Commission shall afford an applicant for a license an opportunity for a hearing upon denying such application for a gaming license and shall afford a licensee or any other persons subject to the Peoria Tribe of Indians of Oklahoma Gaming Ordinance ("Gaming Law") the opportunity for a hearing prior to taking any final action resulting in denying, terminating, revoking, suspending, or limiting a license or any other adverse action the Commission deems appropriate; provided, the Commission may, without prior notice or hearing, summarily temporarily suspend or extend suspension of licenses for sixty (60) days in those cases where such action is deemed appropriate by the Commission. In cases where a license is suspended prior to hearing, an opportunity for a hearing shall be provided promptly after suspension at the request of the licensee. The Commission is authorized to adopt rules and regulations, consistent with this Gaming Law, governing the conduct of any and all hearings before the Commission, including discovery, as well as the process of issuing, modifying, conditioning, suspending, or revoking any license. (See Gaming Law § 3.1.).

C. Whenever, upon preliminary factual finding, the Commission determines that any person has failed to comply with the provisions of the Gaming Law or any regulations promulgated hereunder, the Commission shall make a certification of findings with a copy thereof to the subject or subjects of that determination. After five (5) days notice, and within thirty (30) days thereof, the Commission shall hold a hearing at which time the affected person or licensee shall have an opportunity to be heard and present evidence. Written notices from the Commission of any licensing or regulatory decision shall be considered properly given if delivered personally or sent as certified mail through United States mail services. Notices

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provided through any means shall be considered properly given if the designated recipient acknowledges receipt or denies receipt in writing.

D. Any person or entity whose license, by final action, is denied, revoked, suspended, or is subject to a Commission regulatory action (Petitioner) may file a petition for reconsideration of the decision with the Commission, but said petition must be filed within thirty (30) days after receipt of a written decision of the Commission, pursuant to Gaming Law § 17.2.

E. All hearings regarding licensing or regulatory proceedings shall be closed to the public unless, upon request of a Commissioner or a Petitioner, the hearings are opened by vote of at least two Commissioners of the Commission. The "Public" shall mean anyone who is not a member of the Commission or its staff, a party to the hearing (including representative thereof), counsel for a party, or a witness. At such hearing it shall be the obligation of the Petitioner or Licensee to show cause why the preliminary determination is incorrect, why the application in question should not be denied, why the license in question shall not be revoked or suspended, why the period of suspension should not be extended, or show cause why special conditions or limitations upon license should not be imposed, to show cause why any other action regarding any other person or persons subject to any action by the Commission should not be taken. The burden shall be on the Petitioner or Licensee to present any and all information at the hearing that the Petitioner or Licensee considers applicable to the issues, including whether the evidence and information considered was erroneous, whether it was erroneously interpreted, or whether it was considered in error. Petitioners and Licensees may present oral and written evidence in support of their position, and may have an attorney and have witnesses present at the hearing. Petitioners and Licensees shall bear their own costs for legal representation, witnesses, and any other costs associated with their appeal. The admission of evidence and testimony shall be based on a determination by the Commission, as to the reliability and relevance of such evidence.

F. Upon the determination of at least two Commissioners of the Commission, the Commission shall have the discretion to determine specific procedures to govern the discovery process for any hearing in front of the Commission on an individual case basis.

G. The Commission shall promptly notify the Petitioner in writing of its final determination. The Commission's determination shall be final when issued, and no further appeal will be heard on the matter by the Commission.

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H. At the present time, the Court of Indian Offenses for the Miami Agency shall have exclusive jurisdiction to hear appeals from final decisions of the Commission denying, modifying, conditioning, or revoking any licenses. However, once the Peoria Tribe of Indians of Oklahoma (the “Tribe”) establishes its own court system, the Tribe’s District Court, and the Tribe’s Appellate Court appealable therefrom, shall have exclusive jurisdiction to hear appeals from final decisions of the Commission denying, modifying, conditioning, or revoking any license. (See Gaming Law § 17.3.) Until the Commission renders a final decision after a petition for reconsideration, the Tribe and the Commission retain all tribal sovereign immunity and explicitly decline to waive it for any judicial review or judicial intervention.

(History: Approved by the Peoria Tribal Gaming Commission, November 30, 2018)

